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PART IV.

Section 1-A.

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON

NOTIFICATION.

No. L.D. 1516—Legis. 3-51-33, dated Bangalore, 12th November 1951.

Ordered that the Reports of the Select Committees on the Industries (Development and Regulation) Bill, 1951 and the Press (Objectionable Matter) Bill, 1951 (Central Bills Nos. 30 of 1949 and 73 of 1951, respectively) published in the *Gazette of India*, Part II, Section 2, dated the 6th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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(As amended by the Select Committee)

(Words sidelined or underlined indicate the amendments suggested by the Committee; asterisks indicate omissions.)

Bill No. 30 of 1949.

A bill to provide for the development and regulation of certain industries.

Be it enacted by Parliament as follows :—

CHAPTER I

Preliminary

1. *Short title, extent and commencement*—(1) This Act may be called the Industries (Development and Regulation) Act, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. * * *

2. *Declaration as to expediency of control by the Union.*—It is hereby declared that it is expedient in the public interest that the Union should take under its control the industries specified in the First Schedule.

3. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) "Advisory Council" means the Central Advisory Council established under section 5;

(*b*) "Development Council" means a Development Council established under section 6;

(*c*) "factory" means any premises, including the precincts thereof, in any part of which a manufacturing process is being carried on or is ordinarily so carried on—

(i) with the aid of power, provided that fifty or more workers are working or were working thereon on any day of the preceding twelve months; or

(ii) without the aid of power, provided that one hundred or more workers are working or were working thereon on any day of the preceding twelve months and provided further that in no part of such premises any manufacturing process is being carried on with the aid of power;

(*d*) "industrial undertaking" means any undertaking pertaining to a scheduled industry carried on in one or more factories by any person or authority including Government;

(*e*) "notified order" means an order notified in the Official Gazette;

(*f*) "owner" in relation to an industrial undertaking, means the person who, or the authority which, has the ultimate control over the affairs of the undertaking, and, where the said affairs are entrusted to a manager or managing agent [as those expressions are defined in the Indian Companies Act, 1913 (VII of 1913)], such manager or managing agent shall be deemed to be the owner of the undertaking;

(*g*) "prescribed" means prescribed by rules made under this Act;

(*h*) "Schedule" means a Schedule to this Act:

(*i*) "scheduled industry" means any of the industries specified in the First Schedule.

4. *Saving.*—Nothing in this Act shall apply to an industrial undertaking the capital invested therein does not exceed rupees one lakh.

CHAPTER II 3

* THE CENTRAL ADVISORY COUNCIL AND DEVELOPMENT COUNCILS.

5. *Establishment and constitution of Central Advisory Council and its functions.*—(1) For the purpose of advising it on matters concerning the develoment and regulation of scheduled industries, the Central Government may, by notified order, establish a Council to be called the Central Advisory Council.

(2) The Advisory Council shall consist of a Chairman and such other members, not exceeding thirty in number, all of whom shall be appointed by the Central Government from among persons appearing to it to be persons who are capable of representing the interests of—

(*a*) owners of industrial undertakings in scheduled industries ;

(*b*) persons employed in industrial undertakings in scheduled industries ;

(*c*) consumers of goods manufactured or produced by scheduled industries ;

(*d*) such other class of persons, as in the opinion of the Central Government, ought to be represented on the Advisory Council.

(3) The term of office of the procedure to be followed in the discharge of their functions by, and the manner of filling casual vacancies among, members of the Advisory Council, shall be such as may be prescribed.

(4) The Central Government shall consult the Advisory Council in regard to—

(*a*) the making of any rules, other than the first rules to be made under this Act ;

(*b*) the exercise by the Central Government of any of the powers conferred upon it under section 16 or sub-section (1) of section 17 ;

and may consult the Advisory Council in regard to any other matter connected with the administration of this Act in respect of which the Central Government may consider it necessary to obtain the advice of the Advisory Council.

6. *Establishment and constitution of Development Councils and their functions.*—(1) The Central Government may, by notified order, establish for any scheduled industry or group of scheduled industries, a body of persons to be called a Development Council which shall consist of members of the following categories, that is to say, in the case of every Development Council—

(*a*) persons capable of representing the interests of owners of industrial undertakings in the scheduled industry or group of scheduled industries ;

(*b*) persons having special knowledge of matters relating to the technical or other aspects of the scheduled industry or group of scheduled industries ;

(*c*) persons capable of representing the interests of persons employed in industrial undertakings in the scheduled industry or group of scheduled industries ;

(*d*) persons not belonging to any of the aforesaid categories, who are capable of representing the interests of consumers of goods manufactured or produced by the scheduled industry or group of scheduled industries.

(2) The number and the term of office of, and the procedure to be followed in the discharge of their functions by, and the manner of filling casual vacancies among members of a Development Council shall be such as may be prescribed.

(3) Every Development Council shall be, by virtue of this Act, a body corporate by such name as may be specified in the notified order establishing it, and may hold and transfer property and shall by the said name sue and be sued.

(4) A Development Council shall perform such functions of a kind specified in the Second Schedule as may be assigned to it by the Central Government and for whose exercise by the Development Council it appears the Central Government expedient to provide in order to increase the efficiency or productivity in the scheduled industry or group of scheduled industries for which the Development

Council is established, to improve or develop the service that such industry or group of industries renders or could render to the community, or to enable such industry or group of industries to render such service more economically.

(5) A Development Council shall also perform such other functions as it may be required to perform by or under any other provision of this Act.

7. *Reports and accounts of Development Councils.*—(1) A Development Council shall prepare and transmit to the Central Government and the Advisory Council, annually, a report setting out what has been done in the discharge of its fuuctions during the financial year last completed.

(2) The report shall include a statement of the accounts of the Development Council for that year, and shall be transmitted as soon as accounts therefor have been audited, together with a copy of any report made by the auditors on the accounts.

(3) The statement of account shall be in such form as may be prescribed, being a form which shall conform to the best commercial standards, and the statement shall show the total of remuneration and allowances paid during the year to members of the Council.

(4) A copy of each such report of a Development Council, or made by the auditors on its accounts, shall be laid before Parliament by the Central Government.

8. *Dissolution of Development Councils.*—(1) The Central Government may, if it is satisfied that a Development Council should cease to continue in being, by notified order, dissolve that Development Council.

(2) On the dissolution of a Development Council under sub-section (1), the assets of the Development Council, after its liabilities, if any, are met therefrom, shall vest in the Central Government for the purposes of this Act.

9. *Imposition of cess on scheduled industries in certain cases.*—(1) There may be levied and collected as a cess for the purposes of this Act, on all goods manufactured or produced in any such scheduled industry as may be specified in this behalf by the Central Government by notified order, a duty of excise at such rate as may be specified in the notified order, and different rates may be specified for different goods or different classes of goods :

Provided that no such rate shall in any case exceed two annas per cent of the value of the goods.

Explanation.—In this sub-section, the expression "value" in relation to any goods shall be deemed to be the wholesale cash price for which such goods of the like kind and quality are sold or are capable of being sold for delivery at the place of manufacture and at the time of their removal therefrom, without any abatement or deduction whatever except trade discount and the amount of duty then payable.

(2) The cess shall be payable at such intervals, within such time and in such manner as may be prescribed, and any rules made in this behalf may provide for the grant of a rebate for prompt payment of the cess.

(3) The said cess may be recovered in the same manner as an arrear of land revenue.

(4) The Central Government may hand over the proceeds of the cess collected under this section in respect of the goods manufactured or produced by any scheduled industry or group of scheduled industries to the Development Council established for that industry or group of industries, and where it does so, the Development Council shall utilise the said proceeds—

(*a*) to promote scientific and industrial research with reference to the scheduled industry or group of scheduled industries in respect of which the Development Council is established;

(*b*) to promote improvements in design and quality with reference to the products of such industry or group of industries ;

(*c*) to provide for the training of technicians and labour in such industry or group of industries ;

(*d*) to meet such expenses in the exercise of its functions and its administrative expenses as may be prescribed.

CHAPTER III

REGULATION OF SCHEDULED INDUSTRIES

10. *Registration of existing industrial undertakings.*—(1) The owner of every existing industrial undertaking, not being the Central Government, shall, within a period of six months from the commencement of this Act register the undertaking in the prescribed manner.

(2) The Central Government shall also cause to be registered in the same manner every existing industrial undertaking of which it is the owner.

11. *Licensing of new industrial undertakings.*—(1) No person or authority other than the Central Government, shall, after the commencement of this Act, establish any new industrial undertaking, except under and in accordance with a licence issued in that behalf by the Central Government:

Provided that a Government other than the Central Government may, with the previous permission of the Central Government, establish a new industrial undertaking.

(2) A licence or permission under sub-section (1) may contain such conditions including, in particular, conditions as to the location of the undertaking and the minimum standards in respect of size to be provided therein, as the Central Government may deem fit to impose in accordance with the rules, if any, made under section 30.

(3) Nothing in this section shall apply to any industrial undertakings if the capital to be invested therein does not exceed rupees five lakhs.

12. *Revocation and amendment of licences in certain cases.*—(1) If the Central Government is satisfied, either on a reference made to it in this behalf or otherwise, that any person or authority, to whom or to which, a licence has been issued under section 11, has, without reasonable cause, failed to establish or to take effective steps to establish the new industrial undertaking in respect of which the licence has been issued within the time specified therefor or within such extended time as the Central Government may think fit to grant in any case, it may revoke the licence.

(2) Subject to any rules that may be made in this behalf, the Central Government may also vary or amend any licence issued under section 11:

Provided that no such power shall be exercised after effective steps have been taken to establish the new industrial undertaking in accordance with the licence issued in this behalf.

13. *Licensing of substantial expansions of industrial undertakings.*—The provisions of sections 11 and 12 shall apply in relation to the effecting of any substantial expansion of an industrial undertaking as they apply in relation to the establishing of any new industrial undertaking.

Explanation.—For the purposes of this section "substantial expansion" means the expansion of an existing industrial undertaking which is of such a nature as to amount virtually to a new industrial undertaking, but does not include any such expansion as is normal to the undertaking having regard to its nature and the circumstances relating to such expansion.

14. *Procedure for the grant of licence or permission.*—Before granting any licence or permission under section 11 or section 13, the Central Government may require such officer or authority as it may appoint for the purpose, to make a full and complete investigation in respect of applications received in this behalf and report to it the result of such investigation and in making any such investigation, the officer or authority shall follow such procedure as may be prescribed.

15. *Power to cause investigation to be made into scheduled industries or industrial undertakings.*—Where the Central Government is of the opinion that—

(*a*) in respect of any scheduled industry or industrial undertaking or undertakings—

(*i*) there has been, or is likely to be, a substantial fall in the volume of production in respect of any article or class of articles relatable to that industry or manufactured or produced in the industrial undertaking or undertakings, as the case may be, for which, having regard to the economic conditions prevailing, there is no justification ; or

(*ii*) there has been, or is likely to be, a marked deterioration in the quality of any article or class of articles relatable to that industry or manufactured or produced in the industrial undertaking or undertakings, as the case may be, which could have been or can be avoided ; or

(*iii*) there has been or is likely to be a rise in the price of any article or class of articles relatable to that industry or manufactured or produced in the industrial undertaking or undertakings, as the case may be, for which there is no justification ; or

(*iv*) it is necessary to take any such action as is provided in this Chapter for the purpose of conserving any resources of national importance which are utilised in the industry or the industrial undertaking or undertakings, as the case may be ; or

(*b*) any industrial undertaking is being managed in a manner likely to cause serious injury or damage to the * * * * interests of the consumers or a substantial body thereof, for whom the articles or any class of articles manufactured or produced therein are or is intended ;

the Central Government may make or cause to be made a full and complete investigation into the circumstances of the case by such person or body of persons as it may appoint for the purpose.

16. *Powers of Central Government on completion of investigation under section 15.*—(1) If after making or causing to be made any such investigation as is referred to in section 15, the Central Government is satisfied that action under this section is desirable it may issue such directions to the industrial undertaking or undertakings concerned as may be appropriate in the circumstances for all or any of the following purposes, namely :—

(*a*) regulating the production of any article or class of articles by the industrial undertaking or undertakings and fixing the standards of production ;

(*b*) requiring the industrial undertaking or undertakings to take such steps as the Central Government may consider necessary to stimulate the development of the industry to which the undertaking or undertakings relates or relate ;

(*c*) prohibiting the industrial undertaking or undertakings from resorting to any act or practice which might reduce its or their production, capacity or economic value ;

(*d*) controlling the prices, or regulating the distribution, of any article or class of articles which have been the subject matter of investigation.

(2) Where a case relating to any industry or industrial undertaking or undertakings is under investigation, the Central Government may issue at any time any direction of the nature referred to in sub-section (1) to the industrial undertaking or undertakings concerned, and any such direction shall have effect until it is * * * varied or revoked by the Central Government.

17. *Special provisions for direct control by Central Government in certain cases.*—(1) If after a direction has been issued in pursuance of section 16, the Central Government is of opinion that the direction has not been complied with and that any industrial undertaking in respect of which the direction has been issued is being managed in a manner highly detrimental to the scheduled industry

concerned or to the public interest, the Central Government may, by notified order, authorise any person or a Development Council or any other body of persons (hereinafter referred to as the authorised person) either to take charge of the whole or any part of the undertaking in supersession of any other person or body of persons in charge thereof or to exercise with respect to the whole or any part of such undertaking such functions of control as may be provided by that order.

(2) Where the authorised person has been authorised to take charge of the industrial undertaking, he shall take all such steps as may be necessary to take into his custody or under his control all the property, effects and actionable claims to which the industrial undertaking is or appears to be entitled, and all the property and effects of the industrial undertaking shall be deemed to be in the custody of the authorised person as from the date of the notified order.

(3) Where the authorised person has been authorised to exercise any functions of control in relation to an industrial undertaking, the undertaking shall be carried on in accordance with any directions given by the authorised person in accordance with the provisions of the notified order and any person having any functions of management in relation to the undertaking or part thereof shall comply with any such directions.

(4) The authorised person shall in all cases exercise his functions in accordance with any instructions given to him by the Central Government, so, however, that he shall not have any power to give to any other person any directions under this section inconsistent with the provisions of any Act or instrument determining the functions of the authority carrying on the undertaking except in so far as may be specifically provided by the order.

(5) If at any time it appears to the Central Government on the application of the owner of the industrial undertaking or otherwise, that the purpose of the order made under this section has been fulfilled or that for any other reason, it is not necessary that the order should remain in force, the Central Government may by notified order cancel such order and on the cancellation of any such order, the control of the industrial undertaking shall vest in the owner of the undertaking.

(6) Any order made under this section shall have effect, notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

18. *Power of persons or body of persons appointed under section 15 to call for assistance in any investigation.*—(1) The person or body of persons appointed to make any investigation under section 15 may choose one or more persons possessing special knowledge of any matter relating to the investigation to assist him or it in holding the investigation.

(2) The person or body of persons so appointed shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), for the purpose of taking evidence on oath (which he or it is hereby empowered to administer) and of enforcing the attendance of witnesses and compelling the production of documents and material objects, and the person or body of persons shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (Act V of 1898).

CHAPTER IV

MISCELLANEOUS.

19. *Powers of inspection.*—(1) For the purpose of ascertaining the position or working of any industrial undertaking or for any other purpose mentioned in this Act or the rules made thereunder, any person authorised by the Central Government in this behalf shall have the right—

(*a*) to enter and inspect any premises;

(b) to order the production of any document, book, register or record in the possession or power of any person having the control of, or employed in connection with, any industrial undertaking; and

(c) to examine any person having the control of, or employed in connection with, any industrial undertaking.

(2) Any person authorised by the Central Government under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

20. *General prohibition of taking over management or control of industrial undertakings.*—After the commencement of this Act, it shall not be competent for any State Government or a local authority to take over the management or control of any industrial undertaking under any law for the time being in force which authorises any such Government or local authority so to do.

21. *Certain administrative expenses of Development Councils to be paid from moneys provided by Parliament.*—Such administrative expenses as relate to the emoluments of officers of a Development Council who are appointed by or with the approval of the Central Government, shall be defrayed out of moneys provided by Parliament.

22. *Power of the Central Government to issue directions to Development Councils.*—In the exercise of its functions under this Act, every Development Council shall be guided by such instructions as may be given to it by the Central Government and such instructions may include directions relating to the manner in which, and the purpose for which, any proceeds of the cess levied under section 9 which may have been handed over to it, shall be expended.

23. *Questions relating to amount of capital invested in an undertaking to be decided by Central Government.*—If, for the purpose of section 4 or sub-section (3) of section 11, any question arises with respect to the amount of capital invested or to be invested in an industrial undertaking, the decision of the Central Government thereon shall be final.

24. *Penalties.*—(1) Whoever contravenes or attempts to contravene, or abets the contravention of, the provisions of sub-section (1) of section 10 or of sub-section (1) of section 11, or of sub-section (1) of section 11 read with section 13, or of sub-section (3) of section 17, or of any rule the contravention of which is punishable under this section shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both, and, in the case of a continuing contravention, with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

(2) If the person contravening any of the said provisions is a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(3) Notwithstanding anything contained in sub-section (2), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "director" in relation to a firm means a partner in the firm.

25. *Power to delegate.*—The Central Government may, by notified order, direct that any power exercisable under this Act by it, *other than the power specified in section 16 and sub-section (1) of section 17* may be exercised in such cases and subject to such conditions, if any, as may be specified in the order by such officer or authority (including in the said expressions any Development Council, State Government, officer or authority of the State Government) as may be specified in the direction.

26. *Previous sanction of Central Government for prosecutions.*—No prosecution for any offence punishable under section 24 shall be instituted except with the previous sanction of the Central Government.

27. *Jurisdiction of courts.*—No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under section 24.

28. *Exemption in special cases.*—The Central Government may, if satisfied that it is in the public interest so to do, exempt any scheduled industry or any industrial undertaking for such period as it may specify, from the operation of all or any of the provisions of this Act or any rules made thereunder.

29. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding, whatever, shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

30. *Power to make rules.*—(1) The Central Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely;—

(*a*) the constitution of the Advisory Council and Development Councils, the term of office and other conditions of service of, the procedure to be followed by, and the manner of filling casual vacancies among, members of the Advisory Council or a Development Council;

(*b*) the form of the statement of account to be furnished by a Development Council;

(*c*) the intervals at which, the time within which, and the manner in which the cess leviable under section 9 shall be payable and the rebate for the prompt payment of such cess;

(*d*) the expenses which a Development Council may meet from the proceeds of the cess levied under section 9 which may have been handed over to it:

(*e*) the appointment by or with the approval of the Central Government of any officers of a Development Council;

(*f*) the facilities to be provided by any industrial undertaking for the training of technicians and labour;

(*g*) the collection of any information or statistics in respect of any schedule industry;

(*h*) the manner in which industrial undertakings may be registered under section 10 and the levy of a fee therefor;

(*i*) the procedure for the grant or issue of licences and permissions under section 11 or section 13, the time within which such licences or permissions shall be granted or issued including, in particular, the publication of notices calling for applications and the holding of such public inquiry in relation thereto as may be necessary in the circumstances;

(*j*) the fees to be levied in respect of licences and permissions issued under this Act;

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(*k*) the matters which may be taken into account in the granting or issuing of licences and permissions, including in particular, the previous consultation by the Central Government with the Advisory Council or any Development Council or both in regard to the grant or issue of any such licences or permission;

(*l*) the procedure to be followed in making any investigation under this Act;

(*m*) the conditions which may be included in any licences and permissions;

(*n*) the conditions on which licences and permissions may be varied or amended under section 12;

* * * * * *

(*o*) the maintenance of books, accounts and records relating to an industrial undertaking;

(*p*) the submission of special or periodical returns relating to an industrial undertaking by persons having the control of, or employed in connection with, such undertaking, and the forms in which, and the authorities to which, such returns and reports shall be submitted;

(*q*) any other matter which is to be or may be prescribed under this Act;

(3) Any rule made under this section may provide that a contravention thereof shall be punishable under section 24.

(4) All rules made under this section shall be laid for not less than seven days before Parliament as soon as possible after they are made, and shall be subject to such modifications as Parliament may make during the session in which they are so laid, or the session immediately following.

31. *Application of other laws not barred.*—The provisions of this Act shall be in addition to and not, save as otherwise expressly provided in this Act, in derogation of any other Central Act for the time being in force, relating to any of the scheduled industries.

32. *Amendment of section 2, Act XIV of 1947.*—In section 2 of the Industrial Disputes Act, 1947 (XIV of 1947),—

(*a*) in sub-clause (*i*) of clause (*a*) after the words "by a railway company" the words "or concerning any such controlled industry as may be specified in this behalf by the Central Government" shall be inserted;

(*b*) after clause (*e*), the following clause shall be inserted, namely:—

'(*ee*) "controlled industry" means any industry the control of which by the Union has been declared by any Central Act to be expedient in the public interest;'.

THE FIRST SCHEDULE

[*See* sections 2 and 3 (*i*)]

Any industry engaged in the manufacture or production of any of the following namely:—

(1) Aircraft.
(2) Arms and ammunition.
(3) Coal including coke and other derivatives.
(4) Iron and steel.
(5) Mathematical and scientific instruments.
(6) Motor and aviation fuel, kerosene, crude oils and synthetic oils.
(7) Salt.
(8) Ships and other vessels propelled by the agency of steam, or by electricity or other mechanical power.
(9) Sugar.

(10) Telephones, telegraph apparatus and wireless communication apparatus.

(11) Textiles made wholly or in part of cotton or jute.

(12) Automobiles, including tractors.

(13) Cement.

(14) Electric lamps and fans.

(15) Electric motors.

(16) Heavy chemicals includings fertilizers.

(17) Heavy machinery used in industry including ball and roller bearing and gear wheels and parts thereof, boilers and steam generating equipment.

(18) Locomotives and rolling stock.

(19) Machine tools.

(20) Machinery and equipment for the generation, transmission and distribution of electric energy.

(21) Non-ferrous metals including alloys.

(22) Paper including newsprint and paper board.

(23) Pharmaceuticals and drugs.

(24) Power and industrial alcohol.

(25) Rubber goods.

(26) Leather and leather goods.

* * * * *

(27) Textiles made of wool.

(28) Vanaspati and vegetable oils.

(29) Agricultural implements.

(30) Batteries, dry cells and storage.

(31) Bicycles, and parts thereof.

(32) Hurricane lanterns.

(33) Internal combustion engines.

(34) Power-driven pumps.

(35) Radio receivers.

(36) Sewing and knitting machines.

(37) Small and hand tools.

THE SECOND SCHEDULE.

[*See* section 6 (4)].

Functions which may be assigned to Development Councils :—

(1) Recommending targets for production, co-ordinating production programmes and reviewing progress from time to time.

(2) Suggestion norms of efficiency with a view to eliminating waste, obtaining maximum production, improving quality and reducing costs.

(3) Recommending measures for securing the fuller utilisation of the installed capacity and for improving the working of the industry, particularly of the less efficient units.

(4) Promoting arrangements for better marketing and helping in the devising of a system of distribution and sale of the produce of the industry which would be satisfactortoy the consumer.

(5) Promoting standardisation of products.

(6) Assisting in the distribution of controlled materials and promoting arrangements for obtaining materials for the industry.

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(7) Promoting or undertaking inquiry as to materials and equipment and as to methods of production, management and labour utilisation, including the discovery and development of new materials, equipment and methods and of improvements in those already in use, the assessment of the advantages of different alternatives and the conduct of experimental establishments and of tests on a commercial scale.

(8) Promoting the training of persons engaged or proposing engagement in the industry and their education in technical or artistic subjects relevant thereto.

(9) Promoting the retraining in alternative occupations of personnel engaged in or retrenched from the industry.

(10) Promoting or undertaking scientific and industrial research into matters affecting industrial psychology and research into matters relating to the consumption or use of goods in services supplied by the industry.

(11) Promoting improvements and standardisation of accounting and costing methods and practice.

(12) Promoting or undertaking the collection and formulation of statistics.

(13) Investigating possibilities of decentralizing stages and processes of production with a view to encouraging the growth of allied small scale and cottage industries.

(14) Promoting the adoption of measures for increasing the productivity of labour, including measures for securing safer and better working conditions and the provision and improvement of amenities and incentives for workers.

(15) Advising on any matters relating to the industry (other than remuneration and conditions of employment) as to which the Central Government may request the Development Council to advise and undertaking inquiries for the purpose of enabling the Development Council so to advise, and

(16) Undertaking arrangements for making available to the industry information obtained and for advising on matters with which the Development Councils are concerned in the exercise of any of their functions.

The following Report of the Select Committee on the Bill to provide against the printing and publication of incitement to crime and other objectionable matter, was presented to Parliament on the 27th September, 1951 :—

WE, the undersigned, members of the Select Committee to which the Bill to provide against the printing and publication of incitement to crime and other objectionable matter was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

Clause 1.—We consider that it will be more appropriate to call the Act as the Press (Objectionable Matter) Act, 1951, rather than the Press (Incitement to Crime), Act, 1951. We have amended clause (1) accordingly.

Clause 2.—We think that in order to bring cyclostyled and other matters within the scope of the definition of "book", the words "or otherwise mechanically produced" should be inserted. Clause 2 (a) has been amended accordingly.

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We feel that the two expressions "press" and "printing press" are likely to cause confusion. We have accordingly omitted the definition of "printing press" and re-drafted the definition of "press" in clause 2 (g).

Clause 3.—In clause 3(iii), we have substituted the words "maintenance of public order" for the words "maintenance of law and order" as being more suitable.

We are of opinion that in clause 3, it should be specifically provided that comments or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means, and words pointing out, with a view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of persons in India are not objectionable matters. We have accordingly inserted an *Explanation* to clause 3 to make our intention clear.

Clause 4.—We are of opinion that a specific provision should be made empowering sessions judges to record a warning only in suitable cases instead of demanding security. We also think that the time-limit for depositing security should be raised from fifteen to twenty-one days. We have amended the clause accordingly.

Clause 5.—In this clause also, we think twenty-one days' time should be allowed for depositing further security.

Clause 6.—We consider that it may not be necessary to forfeit the whole press in all cases. We have accordingly amended clause 6 (2) by providing that a part of the press may also be forfeited.

We consider that a provision should be made that the forfeited press or part thereof should be returned if the required security is deposited within three months from the date of the forfeiture. We have accordingly added a proviso to clause 6 (2).

Clauses 7 and 8.—We have increased the time-limit for depositing security from fifteen days to twenty-one days.

Clause 9.—We have amended clause 9(3) to empower the magistrate to forfeit a part of the press in suitable cases.

Clause 10.—We have made a slight drafting change to make our intention clear.

Clause 12.—We consider that when an officer of the post office detinsa an article on suspicion that it contains any objectionable matter and sends it to an officer of the State Government, a procedure should be laid down as to how the article should be dealt with. We have accordingly amended clause 6 (2) and inserted a new sub-clause (3).

Clause 14.—We think that a police officer making a search should forthwith submit a report to the Court. We have accordingly amended clause 14 (2).

In clause 14 (3), we have provided that a part of the press may also be forfeited in suitable cases.

Renumbered clause 17 (original clause 18).—We think that it will be more logical to put the original clause 18 before the original clause 17. We have accordingly renumbered the original clauses 18 and 17 as new clauses 17 and 18.

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We consider that it should be specifically provided that the sessions judge should settle the points for determination. We have accordingly amended sub-clause (1) and made some drafting changes.

We think that though inquiries before the sessions judge may be made in the manner prescribed for conducting trials in summons cases, evidence should be recorded in full. We have accordingly amended sub-clause (2).

Renumbered clause 18 (original clause 17).—We think that a clear provision should be made for re-opening cases heard *ex parte*. We have accordingly inserted a proviso to this clause.

Clause 19.—We have re-drafted clause 19(5) to make the intention clear.

Clauses 22 and 23.—We consider that appeal should lie against all orders of sessions judges. It is also necessary to provide that any person aggrieved by an order of forfeiture made either by the State Government or by a magistrate should have the right to go to the High Court by way of an application. The High Court should also be specifically empowered to pass whatever orders it deems fit in the circumstances of the case. We have accordingly substituted two new clauses 22 and 23 for the existing clauses.

Clause 24.—We have re-drafted this clause to make the intention clear.

Clause 26.—We think that this clause should be restricted to those who sell or distribute or keep for sale or distribution any unauthorised newspaper or unauthorised news-sheet. Clause 26 (1) has accordingly been amended.

New clause 31.—We are of opinion that there should be a provision for returning the security in deposit. We think that where security has been deposited for the first time as required under section 4 or section 7 or where any further security as required under section 5 or section 8 has been deposited and no action has been taken against the press, newspaper or news-sheet under this Act for a period of two years and three years, respectively, the security in deposit should be returned. We have inserted a new clause 31 to provide for such cases.

Clause 32 (original clause 31).—The changes are merely consequential.

Clause 33 (original clause 32).—We have omitted the original clause 32 as being unnecessary.

We have substituted a new clause to provide that notwithstanding anything contained in this Act, no person shall be liable to a double penalty once under clause 6 (2) or clause 9 (3) and again under clause 25.

The Schedule.—The Rajasthan Public Security Ordinance, 1949 (XXVI of 1949) imposes certain restrictions on the press. We have accordingly added this Ordinance in the Second Schedule.

2. The Bill was published in Part II, Section 2 of the *Gazette of India*, dated the 8th September, 1951.

3. We think that the Bill has not been so altered as to require circulation under Rule 77 (4) of the Rules of Procedure and Conduct of Business and we recommend that it be passed as now amended.

M. ANANTHASAYANAM AYYANGAR
C. RAJAGOPALACHARI
B. R. AMBEDKAR
N. V. GADGIL
R. R. DIWAKAR

GOKUL LAL ASAVA
*SHREE NARAYAN DAS
N. MADHAVA RAU
RAJ KANWAR
*THAKUR DAS BHARGAVA
SATISH CHANDRA
*KRISHNA KANT VYAS
G. DURGABAI
R. K. SIDHVA
*H. N. KUNZRU
*B. SHIVA RAO
L. K. BHARATI
O. V. ALAGESAN
T. R. DEOGIRIKAR
D. K. BOROOAH
AWADHESHWAR PRASAD SINHA
*MATHURA PRASAD MISHRA
TAJAMUL HUSSAIN
TRIBHUAN NARAYAN SINGH
C. D. PANDE
*ARUN CHANDRA GUHA
V. S. SARWATE
*P. S. DESHMUKH
GOPINATH SINGH

NEW DELHI;
The 27th September, 1951.

Minutes of Dissent.

I

I have signed this Report subject to the following minute of dissent :-

2. I think that while the Government should be armed with power of declaring certain publications forfeited, where immediate action is necessary, there should, at the same time, be provision for review of all such cases by a judicial body with a view to scrutinies whether forfeitures made by the executive were judicially right or not. I note that there is provision in the Bill which will enable persons aggrieved to go to High Court. But it may not be possible for all to go to High Court. Justice should be quick and cheap and should not entail harassment. I would like to have a provision in the Bill which will provide a machinery for judicial review of actions taken under clause 10. The decision of this judicial body may be made binding subject to a right of appeal as provided in the Bill.

SHREE NARAYAN DAS.

NEW DELHI;
The 27th September, 1951.

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* Subject to a minute of dissent.

II 16

The Press (Incitement to Crimes) Bill is a measure of a very unusual kind and I cannot sufficiently deplore that such a measure as the Press (Incitement to Crimes) Bill should have been attempted to be enacted by the Government in pursuance of its undertakings and promise not to curb the liberty of press but to try to improve its position. I am sorry to note that our attemps to improve the bill substantially in the Select Committee have not succeeded though a number of changes have been made in several provisions of the Bill by the Select Committee but they are mostly in relation to the procedure to be followed in cases that may arise after this bill becomes Law. These changes are to some extent improvements on the provisions of the Bill. Unfortunately the fundamental objections to the measure remain as they were.

2. I was of the view that the Act of 1931 as amended by later Acts specially by the Act of 1932 was an emergency measure and there is no present necessity for enacting a permanent measure on the lines of 1931 Act. In 1931-32, the conditions in the country were according to the view of the then existing Government, emergent. The Act of 1931 was, therefore, for a temporary period only. In 1932 when the Civil Disobedience Movement was at its height and picketing and boycott were also rife apart from communistic and terrorists activities being also rampant, the Government went out of its way and included many kinds of incitements, encouragements and tendencies within the scope of objectionable matter for the press. Before 1932 the scope of objectionable matter for the press was never so wide. The present definition in the Bill is exceptionally wide and narrows down the freedom of expression to most undesirable extent. Under the deadening shadow of such restrictions it is hardly likely that the press will retain its independence and utility for ventilating the grievances of the public and enjoy reasonable freedom from interference so necessary for its prosperity and strength. In fact the definition of objectionable matter is the very soul of this bill and as long as it is not curtailed down to the necessary minimum, it is not likely that freedom of expression will at all be secured to the individual or to the press.

3. The present bill discriminates between the freedom of speech and the freedom of expression. It is a curious phenomena that if a person delivers a speech he cannot be prosecuted for the same unless his words can come within the purview of the definition of some offence whereas if the same speech be reported, such report would come within the definition of objectionable matter and the person reporting can be prosecuted and punished. Section 19 (1) secures freedom of speech and equally secures freedom of expression. Naturally, therefore, scope and content of both should be the same and the discrimination sought to be brought about by the bill is totally unjustified and is repugnant to the trumpeted grant of fundamental rights to the individual and the press.

4. This Bill in my humble opinion also offends against the provisions of Section 19 (1) of the Constitution relating to right of freedom of speech and expression. This Constitution First Amendment Act, 1951, clearly indicates that reasonable restrictions on the exercise of the right conferred by sub-clause 19 (1) can only be imposed in the interests of the State, friendly relations with the foreign States, decency or morality or public order. These are the only five subjects or matters in whose interest reasonable

restrictions can be imposed. Restrictions, therefore, reasonable or otherwise in respect of other matters are not countenanced by Section 19 (2). It is clear, however, that there is no reference to any friendly relations with foreign States in this bill. Any reference, therefore, in the bill to any other matter which does not concern security of the State, public order and decency or morality is irrelevant and out of place and no restrictions can be possibly placed in respect of other matters. Offences against private persons or even public servants or servants of local authorities which do not directly relate to the security of the State or public order are, therefore, out of place and cannot form the subject matter in respect of which any restrictions can be placed on the right of freedom of expression and speech.

5. Moreover only activities in relation to which such reasonable restrictions can be claimed to be imposed can be related to contempt of court, defamation or incitement of offence. If any activity falls short of any act which constitutes either contempt of court, defamation or incitement to offence it must be deemed to be out of purview of Section 19 (2) of the Constitution. If these activities or the nature of these activities were not specifically mentioned, in the clause, perhaps it could be argued that something short of them could also be included within the ambit of reasonable restrictions, but when specific mention is made of incitement to an offence, it is submitted anything short of an act constituting an incitement to offence would hardly be one for which any restrictions or reasonable restrictions could be imposed. In this view of things, encouragement or tendency to incite or to encourage or matters calculated to incite would not properly come within the mischief of the scope of reasonable restrictions sought to be imposed. In my opinion, therefore, the present definition of the objectionable matter as given in clause II offends against the provision of 19 (2) and is *ultra vires*.

The recent amendment in the Constitution has not made any act short of incitement amenable to any restrictions. And therefore every individual is free to act as he pleases provided his act does not amount to an incitement.

6. The provisions of the Bill also offend against 19 (*f*) and to an extent against 19 (g). According to the provision of 19 (*f*), a person is entitled to hold and dispose of his property and any deprivation of his property without his disposing of the same is not countenanced by law. Any forfeiture not attributable to any culpable act of the owner and without his concurrence and possibly knowledge is not justifiable. According to the provisions of this Bill the owner of the press, materials, books or documents forfeited may not even be informed or in any manner brought before any authority sanctioning forfeiture. He may not have done any act or default to incur this deprivation from his property. Yet Section 32 makes such declaration of forfeiture under the act to be conclusive against him and it is further provided in that section that no court shall ever call into question any proceedings purporting to be taken under this act. These provisions clearly imply that a person can be deprived of his property without his knowledge, without his being brought before or heard by the forfeiting authority, in fact without any fault or default on his part. And he is left with no remedy to recover his property. This is to say the least. ex-proprietary and unjust.

7. The provisions of this Bill also offend against clause (2) of Article 20 of the Constitution. Now it has been admitted that forfeiture is a kind

of punishment or penalty and Section 33 of the Bill provides against double prosecution and punishment. Unfortunately, it has not been appreciated that in many cases protracted prosecution becomes worse than the penalty itself. The words of Article 20 (2) of the Constitution run as follows:

> "No person shall be prosecuted and punished for the same offence more than once."

It is true that the proceedings under Sections 4, 5, 7 and 8 of the Bill are merely inquiries and not trials for offences. Yet forfeiture resulting therefrom has rightly been regarded in Section 33 as a penalty. Substantially proceedings under Sections 4, 5, 7 and 8 and even under Sections 6 and 9 are in the nature of prosecution, and in fairness no person against whom sufficient grounds have not been found by the Sessions Judge or the High Court for demand of security or forfeiture, should be prosecuted and punished under Section 25. But Section 33 is no bar against such prosecution. The principle of Section 403 of the Criminal Procedure Code clearly applies to such proceedings. As a matter of fact, these proceedings under Sections 4, 5, 7, and 8 even if they end in a demand of security or further security which is not returnable before 2 and 3 years constitute a penalty and in fairness no further prosecution or punishment should be possible if no forfeiture takes place as a result of these proceedings. The provisions of Section 33 therefore do not comply with the spirit of clause 20 of the Constitution.

8. As already submitted, the provisions of the Bill are totally unwarranted under the present circumstances obtaining in the country. The Hon'ble the Home Minister clearly stated in his speech in the House that this Bill was in the nature of a scare-crow and would remain a dead-letter. The Hon'ble the Home Minister in his anxiety to forge a weapon to meet any possible contingency in the future is anxious to add this weapon to his armoury, though in his view this weapon is neither necessary and will be forged only to moulder and rust away in course of time. I am sorry I am not convinced of the utility or wisdom of this paternal solicitude and exercise of *patria protestas* of the Hon'ble the Home Minister. In the House and in the Select Committee, he was requested to place any evidence in his possession which would warrant the enactment of such a measure but nothing was put forward to justify the passing of such an extraordinary law. Such measures are not to be found on the Statute book of any civilised country and the necessity for putting such a Bill on our Statute book is not appreciated. The country was expecting that the Act of 1931 shall be repealed and the press and the writers of books will be relieved from the constant fear of this sword of Damocles hanging over their heads. The country expected that by repealing the objectionable provisions of the 1931 Act, the country would be brought into line with other progressive countries, but the present attempt to perpetuate this retrograde law takes away our claim that in the matter of freedom of expression we are ahead of other countries or even in line with other countries. Apart from the Act of 1931 which is sought to be repealed, the other provisions on our Statute book amply provide for preventive action being taken against offending writers or newspapermen. Section 108 of the Criminal Procedure Code and Section 99 (*a*) to 99 (*f*) of the same Code provide ample safeguards for us. They are part of the ordinary law of the land and are sufficiently preventive.

9. In regard to preventive measures, the accepted policy of legislation is that while it is the policy of law to prevent certain crimes being committed, the life of an ordinary citizen would become unbearable if this preventive

legislation was allowed to run riot and provide for prevention of commission of good many crimes. If the life of an ordinary individual was so strictly regulated and regimented that no liberty to behave in any other than regulated way was allowed, life would lose its charm and reduce the individual to an automaton. In all civilised countries therefore preventive legislation is limited to certain crimes only. Sections 107, 108 and 110 of the Criminal Procedure Code define the proper limits of such preventive legislation. The expansion of such limits is not justifiable and the expansion of the scope of such limits is not only unjustifiable but is very objectionable. Sub-clause 3, except in regard to maintenance of public order, sub-clauses 4, 5, 7 and 8 should be totally eliminated and in regard to the rest of the clauses incitement should only be regarded as the proper subject matter for imposition of reasonable restrictions.

10. The provision of forfeiture in the Bill provides a most drastic punishment. In principle preventive measures should not be punitive. But forfeiture is nothing but punitive. Forfeiture deprives a man of his very means of livelihood and puts such an economic strain that it is unlikely that in ordinary circumstances any person would survive on the economic plane and be able to resume his normal work. An order for forfeiture against the person who is not the owner of the property is still more unjustifiable as it penalises an innocent person. It is true that by way of punishment forfeiture is very effective as the cutting of the tongue of any person who is guilty of defamation or sedition would be. In olden times the hands of the thief were cut off. In this case the end does not justify the means. The remedy proposed is out of all proportions to the malady. It was suggested by the Press Inquiry Committee that a temporary order of closure of press for a reasonable period would amply meet the ends of justice. Considering that printing of objectionable matter does not constitute an offence under the ordinary law of the land and the remedy applied is of a preventive nature, it is really hard to impress into service the provision of forfeiture for prevention. Under Sections 107, 108 and 110 of the Criminal Procedure Code, if the security is not provided the person proceded against undergoes imprisonment only. If the remedy of temporary closure of the printing press is not considered enough, imprisonment may also be considered along with or in substitution of temporary closure.

11. In my humble opinion the provisions of Section 99 (*a*) to 99 (*f*) provide better and more effective remedy from the point of view of the general interest of the country than the present provision of inquiry by a Sessions Judge with the aid of jury if the respondent claims it. The judicial safeguard in cases covered by Section 99 (*a*) was a provision of appeal before special Bench of three High Court judges which benefit will probably be denied to the respondents under the provisions of this Bill. Previously the initial action was taken by the State Government which under the present set up would mean the popular Ministry and the present State Government is certainly more responsible and can be expected to exercise more restraint than the previous State Governments. Anyhow, the judicial safeguard of scrutiny by a Sessions Judge in my humble opinion is not so weighty as the previous safeguard of scrutiny by a special Bench of High Court. Ordinarily speaking, this inquiry by a Sessions Judge will consist of interpretation of documents printed by the respondents. The original task of assessing the printed matter in the initial stages by the present Ministries and judicial appraisment by a Bench of three judges of the High Court is certainly a more

favourable provision to the respondents than the initial assessment by a competent authority and scrutiny by a Sessions Judge and further appraisal by possibly one High Court judge. The provision for jury could be well understood if there is a proper trial. Here there is a more inquiry and the glamour of jury, need not deceive any one. Moreover such a provision unless the Government contemplates the provision of trial by jury in all other cases is very objectionable as being discriminatory. This provision also discriminates between persons who can afford the luxury of having a competent counsel and trial by jury and other respondents who are too poor to afford to have this luxury in whose cases even a warrant case trial has not been agreed to. The trial in the summons case is different from a trial in the warrants case.

In regard to the summoning of defence witnesses the powers and duties of the court are different in summons cases as compared to warrant cases as also the right of cross-examination as well as other important matters relating to the framing of charge, etc. The disparity between the provision of a jury and inquiry according to the procedure relating to Sessions cases and the provision of a Summons case trial is too great and in fairness either all accused should have been given the benefit of procedure of warrant cases or benefit of procedure of Sessions case with the aid of jury. There were many other points urged before the Select Committee which were repeated. They will in due course form the subject matter of amendments and need not be detailed here. A provision for putting a ceiling on the amount of security demanded was also suggested but unfortunately it did not find favour with the Select Committee. Similarly a provision for limiting the life of this Bill for one year was not accepted.

12. The period of 2 and 3 years mentioned in Section 31 was also requested to be reduced but even such a simple request was not accepted.

13. This may be specifically mentioned that in Section 26 there may be no *mens rea* or intention and yet a man may be guilty. In fact this non-insistence on proving *mens rea* or intention, knowledge or desire is the most objectionable feature of the entire Bill. The gravamen of the charge consists in the fact that this Bill does not care to provide in respect of all offences and matters which involve penalty, that bad intention, knowledge or desire should play some part in determining whether a man should be punished. In this Bill these elements which go to constitute a crime have been entirely eschewed, with the result that there is likelihood or possibility of innocent men being penalised and punished. It is true that in a country where traditions have not grown fully and where people are not habituated to exercise restraints which grow in time as a result of free institutions, the provisions of law relating to prevention of crimes pertaining to the security of the State and promotion of hatred among the different classes may not be the same as in other places where conditions of life are different. Yet unless a case is made out which would warrant the imposition of such unjustifiable restrictions as are contained in the present Bill, it is not wise to distrust the press and the literate public. Taken as a whole, the press is loyal and there are very strong elements in the country who resent all seditious, and defamatory writings. There is enough of goodwill in the country for the Government and the gutter press is not being seriously taken by the people in general. The ordinary law of the land is quite ample to bring to book the printers and writers of offensive documents in case they

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transgress the limits of relevant provisions of the law. If the circumstances of the country demanded that our laws should be different in this respect from the laws in other countries, I would certainly agree to necessary changes in the law required to cope with the evil, but fortunately no such evil, according to the view of the Honourable the Home Minister, exists and I, therefore, humbly suggest that the objectionable portions of this Bill be dropped. It is in the atmosphere of goodwill, public co-operation and fearlessness that independent press potent enough to exercise its proper influence can subsist. An atmosphere of constant fear and suspicion without adequate cause is bound to affect adversely innocent and public spirited journalist and pressmen whose existence in every Democratic Country is a source of strength and stability of public opinion.

NEW DELHI ; THAKUR DAS BHARGAVA

The 27th September 1951.

III

I have signed the Select Committee Report subject to the following note of dissent :—

1. While I agree that objectionable writings which have the object of undermining the security of state by violence or which create enmity between different communities or which are grossly indecent, obscene or defamatory should be punished I am opposed to the principle of demanding security instead of prosecuting the editor or writer of the paper or book in a regular court of law.

2. With the above object in view there is, even if a recourse to security, no need for keeping sub-clauses (iii), (iv), (v), (vii) into clause 3, I also feel that 'communities' should be substituted in place of 'Clauses' in sub-clause (vi). There are judgments of Allahabad High Court and Oudh Chief Court where it has been held that preaching abolition of Zamindari and saying that a day will come when tenants will be master of their fields come within mischief of section 153A of I.P.C, which has been reproduced in this Bill. I also feel that 'scurrilous' should have been defined.

3. I am strongly of the opinion that a maximum amount of security should have been provided.

4. Clauses 10, 11, 13, 14 give unlimited right to the executive to cause loss and harassment to newspapers and printing presses and even after the appeal provided against these orders there is no provision for the compensation for the loss that will be caused to newspapers by such forfeitures and searches. Even if these clauses are maintained in some form there must be a provision for compensation to aggrieved party which has been adjudged so by the Sessions or High Court.

5. The time limit of two years for the refund of security is too much and will defy the object. It must not be more than six months.

6. I feel that all proceedings connected with press should originate from a Sessions Court and not from Magistrate's Courts in execution of orders under discretionary powers of Government. There must be express provision for compensation to aggrieved party in cases of loss due to recklessness or carelessness of the Police or Postal Officers.

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The Bill as emerges out of the Select Committee is to my mind not in keeping with undertakings given in the objects of the Bill and needs further modification.

NEW DELHI ; KRISHNA KANT VYAS

The 27th September 1951.

IV

The changes made in the Bill by the Select Committee do not affect our objections to it which are of fundamental character. It is not enough for Government to say that in some important respects the Bill in an improvement on the Press (Emergency Powers) Act, 1931. It must show that it is necessary to have a special Press Law permanently on the Statute book. The Press (Emergency Powers) Act was passed as a temporary measure in 1931 and was made permanent in 1935. Since then the political situation has changed completely. While formerly the people were actively or passively against the Government, to-day they are as a whole behind it in its efforts to maintain law and order. The control of the Press, which was considered essential by the British Government for the continuance of its rule, should not be regarded in the same light by our own Government whose interests are identical with those of the people. Nothwithstanding the demand made in the debate in Parliament for concrete evidence in support of the Bill, no material was placed before it to justify the need for such legislation. Nor, in spite of the repetition of the demand in the Select Committee, was such material placed before the Committee. Government's view seems to be that as we have special press law at present, it is not reasonable to question the need for its continuance and to withhold from it the praise that is due to it for having softened its rigour. As Government has not even made an effort to show that the present circumstances justify a permanent measure of this kind, we think we are justified in concluding from its attitudes that the measure is unnecessary.

2. Even if an emergency exists necessitating the control of the Press, it may be presumed that it will last for a short time only, unless the Government thinks that it has lost the support of the people. A temporary measure should therefore suffice to enable Government to deal with the situation. We accordingly proposed that the life of the Bill should be limited to two years, but we deeply regret that this was not accepted by the Select Committee.

3. The most important clause in the Bill is clause 3 which defines "objectionable matter". Many of its provisions have been reproduced, textually or in substance, from the Press Emergency Powers Act. The modifications made in the Select Committee do not affect the scope of the clause which is too wide. A newspaper or press may be proceeded against, not merely for printing or publishing any matter that incites or encourages a person to resort to violence or to commit an offence, but also when the matter in question is supposed to have such a tendency. The Bill thus goes further than the Indian Penal Code which punishes the commission of, and the attempt to commit, an offence, but not things that may be supposed to have a tendency to incite the commission of an offence.

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4. There are some other provisions in the Bill which in our opinion are not satisfactory. But it is not necessary to deal with them here. We reserve to ourselves the liberty to move such amendments as we consider necessary in regard to these provisions.

NEW DELHI,
The 27th September 1951.

H. N. KUNZRU,
B. SHIVA RAO.

V

I have signed this Report subject to the following minute of dissent :—

2. That in clause 3, dealing with "Objectionable matters", only sub-clause I, II, IV and VI should have been retained with suitable modifications. The rest of the sub-clauses, dealing with offences for which there already exist provisions in the Indian Penal Code, are not only unnecessary but are vague and sweeping as well. In sub-clause III, "interference" with "the administration of the law" or "with the administration of laws regulating the supply or distribution of food or other essential commodities or services" are so vague and sweeping that any strong criticism of maladministration may land the newspaper concerned in danger. Similarly an offence described in sub-clause VII is, at the worst, only an offence against the individual, which this Bill seeks to turn into an offence against the State.

3. In my opinion, the word "tend to", wherever it occurs in clause III, should have been replaced by the words "are calculated to" as was agreed to by the Select Committee at an earlier stage of its deliberations. An article in a newspaper, merely eulogising the achievements of, say, the heroes of the First War of the Indian Independence of 1857 may be shown to contain tendencies of support and incitement to violence. Also in my opinion, for the word "classes" in sub-clause VI, the word "communities" should have been substituted, because the avowed aim of the Government is to suppress communalism and not any struggle of the down-trodden and exploited classes to assert their natural right to an honourable place in society, which today, even after attainment of freedom, is denied to millions, particularly the toiling millions, of this land.

4. In regard to clause 4, dealing with the demand of security, I strongly feel that a ceiling must have been fixed. In the Press (Emergency Powers) Act of 1931, which the British Government had enacted during the Civil Disobedience Movement and which this Bill seeks to liberalise there was a ceiling which went up to Rs. 10,000 in the second instance. Absence of a ceiling and the provision for specifying the amount of security by the Executive at the time of making the complaint makes the law, when enacted, to serve in my opinion. The provision for security should only seek to prevent crimes and not prevent publication of the offending newspapers.

5. My most serious objection relates to the provision for forfeiture of the press itself. This is a penal provision to come into operation against those who commit offences under clauses 6, 9 and 14. There is already a separate provision for penalties under clause 25 of this Bill to be imposed on the offending persons and I would have no objection if the penalties proposed were made much more severe, more so in the matter of fine than they are at present.

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6. Let us not forget that Freedom of Expression remains guaranteed as a Fundamental Right of the citizen by our Constitution, even after the amendment of Article (19) 2, subject to "reasonable restrictions" being imposed in regard to the security of the State, maintenance of public order and morality and incitement to offences. Hence any restrictions sought to be imposed on the Freedom of Expression must be reasonable. And provision for forfeiture of the press, which amounts to confiscation of property, transgresses reasonableness in my judgment. It becomes all the more appalling when under the existing laws there is no provision even in proven cases of black-marketing, for the confiscation of the ill-gotten properties of the black-marketers.

NEW DELHI; MATHURA PRASAD MISHRA.

The 27th September, 1951.

VI

I am signing this report subject to this minute of dissent. I can concede that immediately after the transfer of power socio-political conditions being liable to be unstable, the Government may need some powers to control the newspapers. But I do not think conditions in our country are such as to require a measure like this.

2. The definition of objectionable matters seems to me to be unnecessarily wide. As for the provision of demanding security, I feel, a maximum should have been fixed. In the present Press Emergency Act of 1931, such ceiling has been fixed at Rs. 10,000. Moreover, the competent authority has been directed to specify the amount of security that may be demanded of the printing press or of the paper. This appears to me to be a sort of interference with the judiciary.

3. I feel, the provision for forfeiture of the press should not have been put. I also do not agree with the provision that no new person can take a fresh declaration of the press in case the old keeper has failed to pay the security. This is in a way a ban on *bona fide* purchase or sale of the business.

4. Ordinary printing press—commonly known as job-printer—has been placed in unnecessary hardship. And this is due to an excessive anxiety of the Government to fight a menace which, at present, is of no considerable dimension. I feel even retaining the necessary authority to be used in case of emergency, the vigours of the Bill could have been appreciably mollified. I do not like to mention all the points in this note.

NEW DELHI; ARUN CHANDRA GUHA

The 27th September, 1951.

VII

I regret I do not feel satisfied with the provisions of the Bill as it has finally emerged from the Select Committee. Apart from the constitutional objections raised by Pandit Thakur Das Bhargava in his note of dissent, some at least of which have considerable force behind them, I would have been glad if the Bill was further modified so as to bring the erring press

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within the purview of its provision after giving it a fair opportunity to mend itself. I do not like a mere "tending to" do various things in clauses 3 (i) (ii) (vi) being made punishable nor do I think the solitary "Explanation" in clause 3 would give adequate protection to legitimate criticism by presses not in the good books of Government. On the other hand the addition of clause 31 is a welcome improvement on the original Bill.

NEW DELHI; P. S. DESHMUKH.

The 27th September, 1951.

THE PRESS (OBJECTIONABLE MATTER) BILL, 1951.

(AS AMENDED BY THE SELECT COMMITTEE)

(Words sidelined or underlined indicate amendments suggested by the Committee; asterisks indicate omissions)

BILL No. 73 OF 1951.

A Bill to provide against the printing and publication of incitement to crime and other objectionable matter.

BE it enacted by Parliament as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Press (Objectionable Matter) Act, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed, *lithographed or otherwise mechanically produced;

(*b*) "Code" means the Code of Criminal Procedure, 1898 (Act V of 1898);

(*c*) "competent authority" means any officer empowered in this behalf by a general or special order of the State Government;

(*d*) "document" includes also any painting, drawing or photograph or other visible representation;

(*e*) "newspaper" means any periodical work containing public news or comment on public news;

(*f*) "news-sheet" means any document other than a newspaper containing public news or comments on public news;

(*g*) "press" means a printing press, and includes all plant, machinery, duplicators, types, implements and other materials used for the purpose of, or in connection with, printing or multiplying documents;

(*h*) "Press Registration Act" means the Press and Registration of Books Act, 1867 (XXV of 1867);

* * * * *

(*i*) "sessions judge", in relation to the presidency town of Calcutta or of Madras, means the chief presidency magistrate;

(*j*) "unauthorised newspaper" means—

(i) any newspaper in respect of which security has been required under this Act but has not been furnished as required, or

(ii) any newspaper which is published without conforming to the rules laid down in section 5 of the Press Registration Act;

(*k*) "unauthorised news-sheet" means any news-sheet in respect of which security has been required under this Act but has not been furnished as required;

(*l*) "undeclared press" means any press other than a press in respect of which there is for the time being a valid declaration under section 4 of the Press Registration Act.

3. *Objectionable matter defined.*—In this Act, the expression "objectionable matter" means any words, signs or visible representations which—

(*i*) incite or encourage or tend to incite or encourage, any person to resort to violence or sabotage for the purpose of overthrowing or undermining the Government established by law in India or in any State thereof or its authority in any area; or

(*ii*) incite or encourage, or tend to incite or encourage, any person to commit murder, sabotage or any offence involving violence for

(*iii*) incite or encourage any person to interfere with the administration of the law or with the maintenance of public order or with the administration of laws regulating the supply and distribution of food or other essential commodities or services; or

(*iv*) tend to seduce any member of any of the armed forces of the Union or of the police forces from his allegiance or his duty, or prejudice the recruiting of persons to serve in any such force or prejudice the discipline of any such force;

(*v*) are calculated to induce a public servant or servant of a local authority to do any act, or to forbear or delay to do any act, connected with the exercise of his public functions otherwise than according to law; or

(*vi*) tend to promote feelings of enmity or hatred between different classes of persons in India; or

(*vii*) are calculated to put any person in fear and thereby to induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do or to omit to do any act which he is legally entitled to do; or

(*viii*) are grossly indecent, or are scurrilous or obscene.

Explanation.—Comments expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means, and words pointing out, with a view to their removal, matters which are producing, or have a tendency to produce, feelings of enmity or hatred between different classes of persons in India, shall not be deemed to be objectionable matter within the meaning of this section.

CHAPTER II

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PRINTING AND PUBLICATION OF OBJECTIONABLE MATTER

4. *Power to demand security from presses in certain cases.*—Whenever upon complaint made to it in writing by the competent autority and inquiry made in the manner hereinafter provided, a sessions judge is satisfied—

(*a*) that any *press kept within the local limits of his jurisdiction is used for the purpose of printing or publishing any news-paper, news-sheet, book or other document containing objectionable matter, and

(*b*) that there are sufficient grounds for demanding security from the keeper of the press under this section,

the sessions judge shall, by order in writing, direct the keeper of the press to deposit as security within twenty-one days from the date of the order, such amount as the court may think fit to require in money or the equivalent thereof in Government securities as the person making the deposit may choose:

Provided that if, having regard to all the circumstances, the sessions judge is satisfied that the requirements of the case will be met by a warning, he may, instead of demanding security, record such warning.*

5. *Power to forfeit security or demand further security.*—Whenever upon complaint made to it in writing by the competent authority and inquiry made in the manner hereinafter provided the sessions judge is satisfied—

(*a*) that any *press in respect of which any security has been ordered to be deposited under section 4 or under this section is thereafter used for the purpose of printing or publishing any news-paper, news-sheet, book or other document containing objectionable matter, and

(*b*) that there are sufficient grounds for making an order under this section,

the sessions judge shall, by order in writing,—

(*i*) declare such security as has been deposited or any portion thereof to be forfeited to the Government, or

(*ii*) direct the keeper of the press to deposit, within twenty-one days from the date of the order, such further security as the court may deem fit to require,

and may also, in either case, declare all copies of the news-paper, news-sheet, book or other document containing such objectionable matter, wherever found in India, to be forfeited to the Government.

6. *Consequences of failure to deposit security as required under section 4 or section 5.*—(1) Where the keeper of a press is required under section 4 or section 5 to deposit any amount as security and the deposit is not made within the time allowed,—

(*a*) the declaration made by the keeper of the press under the Press Registration Act shall be deemed to be annulled;

(*b*) notwithstanding anything contained in the Press Registration Act, neither the said keeper of the press nor any other person shall make, or be allowed to make, a fresh declaration before a magistrate

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under that Act in respect of the press unless he deposits with the magistrate as security the same amount as was required of the keeper of the press under section 4 or section 5, as the case may be, in money or the equivalent thereof in Government securities as the person making the deposit may choose; and

(c) the press shall not be used for the printing or publishing of any newspaper, news-sheet, book or other document until the deposit has been made.

(2) Where any *press is used in contravention of clause (c) of sub-section (1), any magistrate may, on a complaint in writing made to him in this behalf by the competent authority, direct the keeper of the press to show cause why it should not be forfeited to Government, and after hearing him and on being satisfied that there are grounds for passing the order, declare the press or any part thereof to be forfeited to Government:

Provided that the press or part thereof so forfeited shall not be disposed of within a period of three months from the date of the order of forfeiture, and if the keeper of the press deposits the required amount within the aforesaid period, the press or part thereof, as the case may be, shall be returned to the keeper of the press.

7. *Power to demand security from newspapers and news-sheets in certain cases.*—Whenever upon complaint made to it in writing by the competent authority and inquiry made in the manner hereinafter provided, a sessions judge is satisfied—

(a) that a newspaper or news-sheet published within the local limits of his jurisdiction contains any objectionable matter, and

(b) that there are sufficient grounds for demanding security from the publisher of the newspaper or news-sheet under this section,

the sessions judge shall, by order in writing, direct the publisher of the newspaper or news-sheet to deposit as security within twenty-one days from the date of the order, such amount as the court may think fit to require in money or the equivalent thereof in Government securities as the person making the deposit may choose.

8. *Power to forfeit security or demand further security.*—Whenever upon complaint made to it in writing by the competent authority and inquiry made in the manner hereinafter provided, the sessions judge is satisfied—

(a) that any newspaper or news-sheet in respect of which any security has been ordered to be deposited under section 7 or under this section thereafter publishes any objectionable matter, and

(b) that there are sufficient grounds for making an order under this section,

the sessions judge shall, by order in writing,—

(i) declare such security as has been deposited or any portion thereof to be forfeited to the Government, or

(ii) direct the publisher of the newspaper or news-sheet to deposit within twenty-one days from the date of the order such further security as the court may deem fit to require,

and may also, in either case, declare all copies of the newspaper or news-sheet containing such objectionable matter, wherever found in India, to be forfeited to the Government.

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9. *Consequences of failure to deposit security as required under section 7 or section 8.*—(1) Where the publisher of a newspaper is required under section 7 or section 8 to deposit any amount as security and the deposit is not made within the time allowed,

(*a*) the declaration made by the publisher of the newspaper under section 5 of the Press Registration Act shall be deemed to be annulled ; and

(*b*) notwithstanding anything contained in the Press Registration Act, no person shall make, or be allowed to make, a fresh declaration before a magistrate under section 5 of that Act as publisher of that newspaper or any other newspaper which is the same in substance as that newspaper, unless he deposits with the magistrate as security the same amount as was required of the publisher of the news-paper under section 7 or section 8, as the case may be, in money or the equivalent thereof in Government securities as the person making the deposit may choose.

(2) Where a deposit is required from the publisher of a newspaper or news-sheet under section 7 or section 8, no * press shall, after the expiry of the time allowed to make the deposit, be used for the printing or publishing of such newspaper or news-sheet until the deposit has been made.

(3) Where any * press is used in contravention of sub-section (2), any magistrate may, on a complaint in writing made to him in this behalf by the competent authority, direct the keeper of the press to show cause why it should not be forfeited to Government, and, after hearing him and on being satisfied that there are grounds for passing the order, declare the press or any part thereof to be forfeited to Government.

10. *Power of Government to declare certain publications forfeited.*—The State Government may, on the certificate of the Advocate-General or other principal law officer of the State or of the Attorney-General of India that any issue of a newspaper or news-sheet or any book or other document, wherever made, contains any objectionable matter, by notification in the Official Gazette, stating the grounds for the order, declare that every copy of such issue of the newspaper or news-sheet or of such book or document shall be forfeited to the Government.

11. *Power to detain packages containing certain publications when imported.*—The chief customs officer or other officer authorised by the State Government in this behalf may detain any package brought whether by land, sea or air into the territories to which this Act extends in which he suspects there are newspapers, news-sheets, books or other documents containing objectionable matter, and shall forthwith forward copies of any newspapers, books or other documents found therein to such officer as the State Government may appoint in this behalf to be disposed of in such manner as the State Government may direct.

12. *Prohibition of transmission by post of certain documents.*—(1) No newspaper, news-sheet, book or other document which has been declared to be forfeited under any of the provisions of this Act, and no unauthorised newspaper or unauthorised news-sheet, shall be transmitted by post.

(2) Any officer in charge of a post office or authorised in this behalf by the Postmaster-General may detain in course of transmission by post any

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article, other than a letter, which he suspects to contain any such document as is mentioned in sub-section (1), and shall deliver all such articles to such officer as the State Government may appoint in this behalf.

* * * * *

(3) If the officer to whom any article is delivered under sub-section (2) is satisfied that the article contains any such document as is mentioned in sub-section (1), he may pass such orders as to the disposal of the article and its contents as he deems proper, and if he is not so satisfied, he shall return the article to the post office for transmission to the addressee.

13. *Power to seize and destroy unauthorised news-sheets and newspapers.*—(1) Any police officer or any other person empowered in this behalf by the State Government may seize any unauthorised newspaper or unauthorised news-sheet.

(2) Any presidency magistrate, district magistrate, sub-divisional magistrate or magistrate of the first class may, by warrant authorise any police officer, not below the rank of sub-inspector, to enter upon and search any place where any stock of unauthorised newspapers or news-sheets may be, or may be reasonably suspected to be, and such police officer may seize any documents found in such place which in his opinion are unauthorised newspapers or unauthorised news-sheets.

(3) All documents seized under sub-section (1) shall be produced as soon as may be before a presidency magistrate, a district magistrate, a sub-divisional magistrate or a magistrate of the first class and all documents seized under sub-section (2) shall be produced as soon as may be before the court of the magistrate who issued the warrant.

(4) If, in the opinion of such magistrate or court, any of such documents are unauthorised newspapers or unauthorised news-sheets, the magistrate or court may cause them to be destroyed, but if, in the opinion of such magistrate or court, any of such documents are not unauthorised newspapers or unauthorised news-sheets, such magistrate or court shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code.

14. *Power to seize and forfeit undeclared presses producing unauthorised newspapers and unauthorised news-sheets.*—(1) Where a presidency magistrate, district magistrate or sub-divisional magistrate, has reason to believe that an unauthorised newspaper or unauthorised news-sheet is being produced from an undeclared press within the local limits of his jurisdiction, he may, by warrant, authorise any police officer not below the rank of sub-inspector to enter upon and search any place where such undeclared press may be, or may be reasonably suspected to be and if in the opinion of such police officer any press found in such place is an undeclared press and is used to produce an unauthorised news-paper or unauthorised news-sheet, he may seize such press and any documents found in the place which in his opinion are unauthorised newspapers or unauthorised news-sheets.

(2) The police officer shall forthwith make a report of the search to the Court which issued the warrant and shall produce before such Court as soon as may be all property seized:

Provided that where any press which has been seized cannot be readily removed, the police officer may produce before the court only such parts thereof as he may think fit.

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(3) If such court after such inquiry as it may deem requisite is of opinion that a press seized under this section is an undeclared press which is used to produce an unauthorised newspaper or news-sheet, it may, by order in writing, declare the press or any part thereof to be forfeited to Government, but if after such inquiry the court is not of such opinion, it shall dispose of the press in the manner provided in sections 523, 524 and 525 of the Code.

(4) The court shall deal with the documents produced before it under this section in the manner provided in sub-section (4) of section 13.

CHAPTER III

PROCEDURE

Inquiry before Sessions Judges

15. *Contents of complaint.*—Every complaint to the sessions judge under this Act against any person (hereinafter referred to as the respondent) shall state or describe the objectionable matter in respect of which the complaint is made, and where it is desired that security should be demanded from the respondent, shall specify the amount of security which, in the opinion of the State Government, should be so demanded.

16. *Issue of notice.*—On receipt of a complaint from the competent authority, the sessions judge shall issue notice thereof to the respondent calling upon him to appear and show cause on a date to be specified in the notice why such action as may be appropriate in the circumstances of the case should not be taken against him under this Act.

17. *Procedure for inquiries.*—(1) When the respondent appears before the sessions judge in compliance with a notice under section 16, the sessions judge shall settle the points for determination and proceed to inquire into the complaint, * * * and after taking all such evidence * * * as may be produced and after hearing the parties, pass such orders under this Act as he may think fit.

(2) Any inquiry under this Act shall be made as nearly as may be practicable in the manner prescribed for conducting trials * * * in summons cases by magistrates under the Code except that evidence shall be recorded in full.

18. *Non-appearance of respondent.*—If upon the day appointed for the appearance of the respondent or any day subsequent thereto to which the inquiry may be adjourned, the respondent does not appear, the sessions judge shall proceed to hear the complaint and take all such evidence, if any, as may be produced in support of the complaint and pass such orders under this Act as he may think fit:

Provided that if, on an application made by the respondent within fifteen days of the date of the *ex parte* order, the sessions judge is satisfied that there are sufficient grounds he may set aside the order and make a fresh inquiry into the complaint.

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19. *Jury for inquiry.*—(1) If in any inquiry before a sessions judge under this Act the respondent claims to have the matter determined with the aid of a jury, the provisions hereinafter contained shall apply.

(2) Every such jury shall consist of five persons and shall be chosen from the persons summoned to act as such from the list of persons prepared under sub-section (3).

(3) Such officer as may be appointed by the State Government in this behalf shall prepare and make out in alphabetical order a list of persons residing within the State who by reason of their journalistic experience or of their connection with printing presses or newspapers or of their experience in public affairs are qualified to serve as jurors.

(4) The list shall contain the name, the place of residence and occupation of every such person.

(5) In so far as the provisions of parts C, E, F and K of Chapter XXIII of the Code can be made applicable consistently with the provisions of this Act, the provisions of the said parts C, E and F shall apply to all inquiries under this section, and the provisions of the said part K shall apply to the preparation and revision of lists of jurors under this section.

20. *Conclusion of inquiry made with the aid of a jury.*—(1) Where in an inquiry made with the aid of a jury the sessions judge does not think it necessary to express disagreement with the opinion of the jurors or a majority of the jurors, he shall pass orders accordingly.

(2) If in any such inquiry the sessions judge disagrees with the opinion of the jurors and is of opinion that it is necessary for the ends of justice to submit the case to the High Court, he shall submit the case accordingly recording the grounds for his opinion.

(3) In dealing with the case so submitted, the High Court may exercise any of the powers conferred on a sessions judge by this Act.

21. *Admissibility of previous and subsequent issues.*—In any inquiry before a sessions judge with reference to any newspaper or news-sheet any previous or subsequent issue of such newspaper or news-sheet may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations in respect of which the complaint is made.

Appeal and Application to High Court.

22. *Appeal to High Court against orders of sessions judges.*—Any person agaist whom an order is passed by a sessions judge under section 4, section 5, section 7, or section 8 may, within sixty days of the date of such order, prefer an appeal to the High Court, and upon such appeal, the High Court may pass such orders as it deems fit confirming, varying or reversing the order appealed from, and may pass such consequential or incidental orders as may be necessary.

23. *Application to High Court against orders of forfeiture.*—Any person aggrieved by an order of forfeiture passed by the State Government under section 10 or by a magistrate under sub-section (2) of section 6 or sub-section (3) of section (9) may, within sixty days of the date of such order, apply to the High Court to set aside such order, and upon such application, the High Court may pass such order as it deems fit confirming, varying or reversing the order of the State Government or the magistrate, and may pass such consequential or incidental orders as may be necessary.

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24. *Procedure in High Court.*—Every High Court may frame rules to regulate the procedure in respect of cases submitted to it under section 20, appeals under section 22, and applications under section 23, costs in such proceedings and the execution of orders passed therein, and until such rules are framed, the practice of such High Court in proceedings in respect of reference, appeal and revision shall apply, in so far as may be practicable, to such cases, appeals and applications.

CHAPTER IV

PENALTIES

25. *Penalty for keeping press or publishing newspaper without making deposit.*—(1) Whoever keeps in his possession a press which is used for the printing of books or papers without making a deposit as required under section 4 or section 5 shall be punishable with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both,

(2) Whoever publishes any newspaper or news-sheet without making a deposit as required under section 7 or section 8 or publishes such newspaper or news-sheet knowing that such security has not been deposited shall be punishable with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

26. *Penalty for disseminating unauthorised newspapers and unauthorised news-sheets.*—(1) Whoever * * * sells or distributes * * * or keeps for sale or distribution * * * any unauthorised newspaper or unauthorised news-sheet shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) Notwithstanding anything contained in the Code, any offence punishable under sub-section (1) and any abetment of any such offence shall be cognizable.

CHAPTER V

MISCELLANEOUS

27. *Service of notices.*—Every notice under this Act shall be served in the manner provided for the service of summonses under the Code:

Provided that if service in such manner cannot, by the exercise of due diligence, be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy thereof to some conspicuous part of the place where the press is situate, as described in the keeper's declaration under section 4 of the Press Registration Act, and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of such newspaper is conducted, as given in the publisher's declaration under section 5 of that Act, and thereupon the notice shall be deemed to have been duly served.

28. *Issue of search warrants in certain cases.*—(1) Where any * press is, or any copies of any newspaper, news-sheet, book or other document are,

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declared forfeited to Government under this Act, the State Government may direct a magistrate to issue a warrant empowering any police officer, not below the rank of sub-inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises—

(a) where any such property may be, or may be reasonably suspected to be, or

(b) where any copy of such news-paper, news-sheet, book or other document is kept for sale, distribution, publication or public exhibition or is reasonably suspected to be so kept.

(2) Without prejudice to the provisions contained in sub-section (1), where any newspaper, news-sheet, book or other document is declared forfeited to Government, it shall be lawful for any police officer to seize the same wherever found.

29. *Conduct of searches.*—Every warrant issued under this Act, shall, so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code.

30. *Power to transfer cases.*—Whenever is appears to the High Court or, as the case may be, the Central Government that the transfer of any particular inquiry under this Act from one sessions judge to another will be convenient or will promote the ends of justice, such transfer may be directed—

(a) where both the sessions judges are subject to the appellate jurisdiction of a High Court, by that High Court ; and

(b) in any other case by the Central Government.

31. *Return of security in certain cases.*—Where any keeper of a press or publisher of a newspaper or news-sheet—

(a) has deposited any amount as security as required under section 4 or section 7 and no further action has been taken in respect of the press or newspaper or news-sheet under this Act for a period of two years from the date of such deposit, or

(b) has deposited any further security as required under section 5 or section 8 and no further action has been taken in respect of the press or newspaper or news-sheet under this Act for a period of three years from the date of such deposit,

the person who made the deposit or ony person claiming under him may apply to the magistrate, within whose jurisdiction such press is situate, or, as the case may be, such newspaper or news-sheet is published for the return of the security in deposit ; and thereupon such security shall, upon proof of the claim of the applicant to the satisfaction of the magistrate, be returned to such person.

32. *Bar of jurisdiction.*—Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Act shall be called in question by any court except the High Court on appeal or application under section 22 or section 23, and no civil or criminal proceeding except as provided by this Act shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

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33. *Bar of double penalty.*—Notwithstanding anything contained in this Act,—

(*a*) no keeper of a press shall be punished under section 25, if for the same act or omission the press or any part thereof has been forfeited under sub-section (2) of section 6 or sub-section (3) of section 9; and

(*b*) no press or part of a press shall be forfeited under sub-section (2) of section 6 or sub-section (3) of section 9, if for the same act or omission the keeper of the press has been punished under section 25.

34. *Amendment of sections 4 and 8, Act XXV of 1867.*—In the Press and Registration of Books Act, 1867,—

(*a*) in section 4, for the words "the Magistrate" the words "the District, Presidency or Sub-Divisional Magistrate" shall be substituted; and

(*b*) in section 8, for the words "any Magistrate" the words "any District, Presidency or Sub-Divisional Magistrate" shall be substituted.

35. *Repeals.*—(1) The Acts specified in the First Schedule are hereby repealed.

(2) Any provision contained in any of the Provincial or State Acts specified in the Second Schedule, in so far as it imposes any restrictions on the printing, publication or circulation of any newspaper, news-sheet, book or other document, whether by providing for the pre-censorship thereof, or for the demand of security from the printer or publisher, or in any other manner shall cease to have effect.

THE FIRST SCHEDULE

[*See* section 35 (1)]

CENTRAL ACTS

1. The Indian States (Protection against Disaffection) Act, 1922.
2. The Press (Emergency Powers) Act, 1931 (XXIII of 1931).
3. The Foreign Relations Act, 1932 (XII of 1932).
4. The Indian States (Protection) Act, 1934 (XV of 1934).

STATE ACTS

1. The Indian States (Protection against Disaffection) Act, 1922.
2. The Madhya Bharat Press (Emergency Powers) Act, 1950 (LXXI of 1950).
3. The Mysore Press and Newspapers Act, 1940 (XIV of 1940).
4. The Patiala and East Punjab States Union Press (Emergency Powers) Ordinance, 2006 (XIV of 2006).
5. The Rajasthan Press Control Ordinance, 1949 (XLVI of 1949).

THE SECOND SCHEDULE

[*See* section 35 (2)]. 36

1. The Assam Maintenance of Public Order Act, 1947 (V of 1947),
2. The Bihar Maintenance of Public Order Act, 1949 (III of 1949).
3. The Bombay Public Security Measures Act, 1947 (VI of 1947).
4. The Madhya Pradesh Public Security Measures Act, 1950 (XXIII of 1950).
5. The Madras Maintenance of Public Order Act, 1949 (XXIII of 1949).
6. The Orissa Maintenance of Public Order Act, 1950 (X of 1950).
7. The West Bengal Security Act, 1950 (XIX of 1950).
8. The United State of Gwalior, Indore, and Malwa (Madhya Bharat) Maintenance of Public Order Act, Samvat 2005 (VII of 1949).
9. The Patiala and East Punjab States Union Public Safety Ordinance, 2006 (VII of 2006).
10. The Rajasthan Public Security Ordinance, 1949 (XXVI of 1949).
11. The Saurashtra Public Safety Measures Ordinance, 1948 (IX of 1948).
12. The Travancore-Cochin Safety Measures Act, 1950 (V of 1950).
13. The Bhopal State Public Safety Act, 1947 (V of 1947).

NEW DELHI,
the 25th September 1951.

C. RAJAGOPALACHARI.

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NOTIFICATION.

No. L.D 1517—Legis. 3-51-34, dated Bangalore, 12th November 1951.

Ordered that the All-India Services Bill, 1951, (Central Bill No. 79 of 1951), published in the *Gazette of India*, Part II, Section 2, dated the 6th October 1951, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

The following Bill was introduced in Parliament on the 28th September 1951 :—

BILL No. 79 OF 1951

A Bill to regulate the recruitment, and the conditions of service of persons appointed, to the All-India Services common to the Union and the States.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the All-India Services Act, 1951.

2. *Definition.*—In this Act, the expression "an all-India Service" means the service known as the Indian Administrative Service or the service known as the Indian Police Service.

3. *Regulation of recruitment and conditions of service.*—(1) The Central Government may, after consultation with the Governments of the States concerned, make rules for the regulation of recruitment, and the conditions of service of persons appointed, to an all-India Service.

(2) All rules made under this section shall be laid for not less than fourteen days before Parliament as soon as possible after they are made, and shall be subject to such modifications, whether by way of repeal or amendment, as Parliament may make during the session in which they are so laid.

4. *Continuance of existing rules.*—All rules in force immediately before the commencement of this Act and applicable to an all-India Service shall continue to be in force and shall be deemed to be rules made under this Act.

STATEMENT OF OBJECTS AND REASONS

Article 312 of the Constitution provides that Parliament may by law regulate the recruitment, and the conditions of service of persons appointed, to the all-India Services common to the Union and the States. At present there are two such all-India Services, namely, the Indian Administrative Service and the Indian Police Service. In the absence of any proviso to article 312 similar to that included in article 309, the Government of India is now compelled to deal with many of these matters by means of non-statutory executive orders. This is neither satisfactory nor quite justifiable.

2. Before the commencement of the Constitution, the Government of India issued the Indian Civil Administrative Cadre Rules and the Indian Police Service Cadre Rules. Although these Rules, in so far as they are not inconsistent with the Constitution are continued in force by article 313 of the Constitution, they authorise the regulation of only such items relating to the conditions of service as had already been settled. Emergency recruitment to these Services to fill the gaps left by the departure of the British element in the I.C.S. and the Indian Police was still in progress at that time. Many matters relating to the conditions of service of such officers were only decided after the Constitution had come into force. Other very important matters

such as the fixation of retirement benefits have yet to be settled. Arrangements have also been completed recently to extend the Indian Administrative Service and the Indian Police Service schemes to the Part B States.

3. It is necessary that Parliament should provide the requisite statutory authority to enable the Government of India to carry on the day-to-day management of the two all-India Services and also to take and promulgate decisions on matters relating to the recruitment and the conditions of service from time to time.

4. The present Bill seeks to fill a constitutional lacuna without proceeding to incorporate any detailed provisions. This course is necessitated among other things by the shortness of time available to Parliament this year, After the necessary transitional period is passed through, it will be possible to incorporate the major provisions in an Act of Parliament. The present Bill provides that recruitment and conditions of service of officers of the two all-India Services shall be regulated by rules to be made by the Central Government in consultation with the Governments of the participating States. The Bill, however, provides that all the rules so made shall be laid before Parliament and shall be subject to such modifications as Parliament may make.

C. RAJAGOPALACHARI.

NEW DELHI,
The 25th September, 1951.

NOTIFICATION.

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No. L.D. 1006—Legis. 3-51-24, Bangalore dated 17th September 1951.

Ordered that the Report of the Select Committee on the Forward Contracts (Regulation) Bill, 1951 (Central Bill No. 109 of 1950), published in the *Gazette of India*, Part II, section 2, dated the 1st September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

(AS AMENDED BY THE SELECT COMMITTEE.)

Words sidelined or underlined indicate the amendments suggested by the Committee: asterisks indicate omissions.)

BILL No. 109 OF 1950.

A Bill to provide for the regulation of certain matters relating to forward contracts, the prohibition of options in goods and for matters connected therewith.

BE it enacted by Parliament as follows :—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Forward Contracts (Regulation) Act, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date or dates as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act for different States or areas, and for different goods or classes of goods.

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2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) "association" means any body of individuals, whether incorporated or not, constituted for the purpose of regulating and controlling the business of the sale or purchase of any goods ;

(*b*) "Commission" means the Forward Markets Commission established under section 3 ;

(*c*) "forward contract" means a contract for the delivery of goods at a future date and which is not a ready delivery contract ;

(*d*) "goods" means every kind of movable property other than actionable claims, money and securities ;

(*e*) "Government security" means a Government security as defined in the Public Debt Act, 1944 (XVIII of 1944) ;

(*f*) "non-transferable specific delivery contract" means a specific delivery contract, the rights or liabilities under which or under any delivery order, railway receipt, bills of lading, warehouse receipt or any other document of title relating thereto are not transferable ;

(*g*) "option in goods" means an agreement, by whatever name called, for the purchase or sale of a right to buy or sell, or a right to buy and sell, goods in future, and includes a *teji*, a *mandi*, a *teji mandi*, a *galli* a put, a call or a put and call in goods ;

(*h*) "prescribed" means prescribed by rules made under this Act ;

(*i*) "ready delivery contract" means a contract which provides for the delivery of goods and the payment of price therefor, either immediately or within such period not exceeding eleven days after the date of the contract and subject to such conditions as the Central Government may, by notification in the Official Gazette, specify in respect of any goods, the period under such contract not being capable of extension by the mutual consent of the parties thereto or otherwise ;

(*j*) "recognised association" means an association which is for the time being recognised by the Central Government under section 6 ;

(*k*) "rules", with reference to rules relating in general to the constitution and management of an association, includes in the case of an incorporated association its memorandum and articles of association ;

(*l*) "securities" includes shares, scrips, stocks, bonds, debentures, debenture-stocks, or other marketable securities of a like nature in or of any incorporated company or other body corporate and Government securities ;

(*m*) "specific delivery contract" means a forward contract which provides for the actual delivery of specific qualities or types of goods during a specified future period at a price fixed thereby or to be fixed in the manner thereby agreed and in which the names of both the buyer and the seller are mentioned ;

(*n*) "transferable specific delivery contract" means a specific delivery contract which is not a non-transferable specific delivery contract.

CHAPTER II

THE FORWARD MARKETS COMMISSION

3. *Establishment and constitution of the Forward Market Commission.*—(1) The Central Government may, by notification in the Official Gazette, establish a Commission to be called the Forward Markets Commission for the purpose of exercising such functions and discharging such duties as may be assigned to the Commission by or under this Act.

(2) The Commission shall consist of not less than two, but not exceeding three, members appointed by the Central Government of whom the Chairman shall be a full-time member and the other or others, full-time or part time as the Central Government may direct, and one of the members of the Commission shall be an officer of the Central Government and another a person having a wide experience in the organisation and working of forward markets in India.

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(3) No person shall be qualified for appointment as, or for continuing to be, a member of the Commission if he has, directly or indirectly, any such financial or other interest as is likely to affect prejudicially his functions as a member of the Commission, and every member shall, whenever required by the Central Government so to do, furnish to it such information as it may require for the purpose of securing compliance with the provisions of this sub-section.

(4) No member of the Commission shall hold office for a period of more than three years from the date of his appointment, and a member relinquishing his office on the expiry of his term shall be eligible for reappointment.

(5) The other terms and conditions of service of members of the Commission shall be such as may be prescribed.

4. *Functions of the Commission.*—The functions of the Commission shall be—

(*a*) to advise the Central Government in respect of the recognition of, or the withdrawal of recognition from, any association or in respect of any other matter arising out of the administration of this Act;

(*b*) to keep forward markets under continuous observation and to draw the attention of the Central Government or of any other prescribed authority to any important development taking place in or in relation to, such markets and to make recommendations thereon;

(*c*) to collect and disseminate information regarding the trading conditions in respect of goods to which any of the provisions of this Act is made applicable, including information regarding supply, demand and prices, and to submit to the Central Government periodical reports on the operation of this Act and on the working of forward markets relating to such goods;

(*d*) to make recommendations with a view to improving the organisation and working of forward markets; and

(*e*) to perform such other duties and exercise such other powers as may be assigned to the Commission by or under this Act, or as may be prescribed.

CHAPTER III

Recognised Associations

5. *Application for recognition of associations.*—(1) Any association concerned with the regulation and control of forward contracts which is desirous of being recognised for the purposes of this Act may make an application in the prescribed manner to the Central Government.

(2) Every application made under sub-section (1) shall be accompanied by a copy of the bye-laws for the regulation and control of forward contracts and also a copy of the rules relating in general to the constitution of the association, and, in particular, to—

(*a*) the governing body of such association, its constitution and powers of management and the manner in which its business is to be transacted;

(*b*) the powers and duties of the office bearers of the association;

(*c*) the admission into the association of various classes of members, the qualifications of members, and the exclusion, suspention, expulsion and re-admission of members therefrom or thereinto;

(*d*) the procedure for registration of partnerships as members of the association and the nomination and appointment of authorised representatives and clerks.

6. *Grant of recognition to association.*—(1) If the Central Government is satisfied, after making such inquiry as may be necessary in this behalf and after obtaining such further information, if any, as may be required, that the rules and bye-laws of the association are suitable in the interest of the trade and are in the public interest, it may grant recognition to the association in such form as may be prescribed.

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(2) Before granting recognition under sub-section (1), the Central Government may, by order, direct,—

(a) that there shall be no limitation on the number of members of the association;

(b) that the association shall provide for the appointment by the Central Government of a person, whether a member of the association or not, as its representative on, and of not more than three persons representing interests not directly represented through membership of the association as member or members of, the governing body of such association, and may require the association to incorporate in its rules any such direction and the conditions, if any, accompanying it.

(3) No rules of a recognised association shall be amended except with the approval of the Central Government.

(4) Every grant of recognition under this section shall be published in the Official Gazette.

7. *Withdrawal of recognition.*—If the Central Government is of opinion that any recognition granted to an association under the provisions of this Act should, in the interest of the trade or in the public interest, be withdrawn, the Central Government may, after giving a reasonable opportunity to the association to be heard in the matter, and in consultation with the Commission, withdraw, by *notification in the Official Gazette, the recognition granted to the said association:

Provided that no such withdrawal shall affect the validity of any contract entered into or made before the date of the notification, and the Central Government may make such provision as it deems fit in the notification of withdrawal or in any subsequent notification similarly published for the due performance of any contracts outstanding on that date.

8. *Power of Central Government to call for periodical returns or direct inquiries to be made.*—(1) Every recognised association shall furnish to the Central Government such periodical returns relating to its affairs or the affairs of its members as may be prescribed.

(2) Without prejudice to the provisions continued in sub-section (1), where the Central Government considers it expedient so to do, it may, by order in writing,—

(a) call upon a recognised association to furnish in writing such information or explanation relating to its affairs or the affairs of any of its members as the Central Government may require, or

(b) appoint one or more persons to make, or direct the governing body of such association to make in association with one or more representatives of the Central Government, an inquiry in relation to its affairs or the affairs of any of its members and submit a report of the result of such inquiry to the Central Government within such time as may be specified in the order.

(3) Where an inquiry in relation to the affairs of a recognised association or the affairs of any of its members has been undertaken under sub-section (2)—

(a) every director, manager, secretary or other officer of such association,

(b) every member of such association, and

(c) if the member of the association is a firm, every partner, manager, secretary or other officer of the firm,

shall be bound to produce before the authority making the inquiry, all such books, accounts, correspondence and other documents in his custody or power relating to, or having a bearing on the subject-matter of, such inquiry and also to furnish the authority with any such statement or information relating thereto as *may be required of him, within such time as may be specified.

9. *Furnishing of annual reports to the Central Government by recognised associations.*—(1) Every recognised association shall furnish to the Central Government a copy of its annual report.

(2) Such annual report shall contain such particulars as may be prescribed.

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10. *Power of Central Government to direct rules to be made or to make rules.*—(1) Whenever the Central Government considers it expedient so to do, it may, by order in writing, direct any recognised association to make any rules or to amend any rules made by the recognised association in respect of all or any of the matters specified in sub-section (2) of section 5, other than the matter specified in clause (*b*) of sub-section (2) of section 6 within a period not exceeding six months from the date of the order.

(2) If any recognised association, against whom an order is issued by the Central Government under sub-section (1), fails or neglects to comply with such order within the period specified in the said sub-section, the Central Government may make the rules or amend the rules made by the recognised association, as the case may be, either in the form specified in the order or with such modification thereof as may be agreed upon between the association and the Central Government.

(3) Where, in pursuance of sub-section (2), any rules have been made or amended, the rules so made or amended shall be published in the Official Gazette and on such publication shall, notwithstanding anything to the contrary contained in the Indian Companies Act, 1913 (VII of 1913), or any other law for the time being in force, have effect as if they had been made or amended by the recognised association concerned.

11. *Power of recognised association to make bye-laws.*—(1) Any recognised association may, subject to the previous approval of the Central Government, make bye-laws for the regulation and control of forward contracts.

(2) In particular, and without prejudice to the generality of the foregoing power, such bye-laws may provide for—

(*a*) the opening and closing of markets and the regulation of the hours of trade ;

(*b*) a clearing house for the periodical settlement of contracts and differences thereunder, the delivery of, and payment for, goods, the passing on of delivery orders and for the regulation and maintenance of such clearing house ;

(*c*) the number and classes of contracts in respect of which settlements shall be made or differences paid through the clearing house ;

(*d*) fixing, altering or postponing days for settlement ;

(*e*) determining and declaring market rates, including opening, closing, highest and lowest rates for goods :

(*f*) the terms, conditions and incidents of contracts including the prescription of margin requirements, if any, and conditions relating thereto, and the forms of contracts in writing ;

(*g*) regulating the entering into, making, performance, rescission and termination of contracts, including contracts between members or between a commission agent and his constituent, or between a broker and his constituent, or between a member of the recognised association and a person who is not a member, and the consequences of default or insolvency on the part of a seller or buyer or intermediary, the consequences of a breach or omission by a seller or buyer and the responsibility of commission agents and brokers who are not parties to such contracts ;

(*h*) the admission and prohibition of specified classes or types of goods or of dealings in goods by a member of the recognised association ;

(*i*) the method and procedure for the settlement of claims or disputes including the settlement thereof by arbitration ;

(*j*) the levy and recovery of fees, fines, and penalties ;

(*k*) the regulation of the course of business between parties to contracts in any capacity ;

(*l*) the fixing of a scale of brokerage and other charges ;

(*m*) the making, comparing, settling and closing of bargains ;

(*n*) the regulation of fluctuations in rates and prices ;

(*o*) the emergencies in trade which may arise and the exercise of powers in such emergencies including the power to fix maximum and minimum prices ;

(p) the regulation of dealings by members for their own account ;

(q) the limitations on the volume of trade done by any individual member ;

(r) the obligation of members to supply such information or explanation and to produce such books relating to their business as the governing body may require.

(3) The bye-laws made under this section may—

(a) specify the bye-laws the contravention of any of which shall make a contract entered into otherwise than in accordance with the bye-laws void under sub-section (2) of section 15 ;

(b) provide that the contravention of any of the bye-laws shall—

(i) render the member concerned liable to fine ; or

(ii) render the member concerned liable to expulsion or suspension from the recognised association or to any other penalty of a like nature not involving the payment of money.

(4) Any bye-laws made under this section shall be subject to such conditions in regard to previous publication as may be prescribed, and when approved by the Central Government, shall be published in the *Gazette of India* and also in the Official Gazette of the State in which the principal office of the recognised association is situate :

Provided that the Central Government may, in the interest of the trade or in the public interest, by order in writing, dispense with the condition of previous publication, in any case.

12. *Power of Central Government to make or amend bye-laws of recognised associations.*—(1) The Central Government may, either on a request in writing received by it in this behalf from the governing body of a recognised association, or if in its opinion it is expedient so to do, make bye-laws for all or any of the matters specified in section 11 or amend any bye-laws made by such association under that section :

Provided that where the Central Government takes any action under this section on its own motion, it shall do so in consultation with the Commission.

(2) Where, in pursuance of this section, any bye-laws have been made or amended, the bye-laws so made or amended shall be published in the Official Gazette and also in the Official Gazette of the State in which the principal office of the recognised association is situate, and on such publication the bye-laws so made or amended shall have effect as if they had been made or amended by the recognised association.

(3) Notwithstanding anything contained in this section, where the governing body of a recognised association objects to any bye-laws made or amended under this section by the Central Government on its own motion, it may, within six months of the publication thereof under sub-section (2), apply to the Central Government for a revision thereof, and the Central Government may, after giving a reasonable opportunity to the governing body of the association to be heard in the matter, revise in consultation with the Commission the bye-laws so made or amended, and where any bye-laws so made or amended are revised as a result of any action taken under this sub-section, the bye-laws so revised shall be published in the Official Gazette.

(4) The making or the amendment or revision of any bye-laws under this section shall in all cases be subject to the condition of previous publication :

Provided that the Central Government may, in the interest of the trade or in the public interest, by order in writing, dispense with the condition of previous publication.

13. *Power of Central Government to supersede governing body of recognised association.*—(1) Where the Central Government is of opinion that the governing body of any recognised association should be superseded, then notwithstanding anything contained in this Act or in any other law for the time being in force, the Central Government may, in consultation with the Commission and after giving a

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reasonable opportunity to the governing body of the recognised association concerned to show cause why it should not be superseded, by notification in the Official Gazette, declare the governing body of such association to be superseded for such period not exceeding six months as may be specified in the notification, and may appoint any person or persons to exercise and perform all the powers and duties of the governing body, and where more persons than one are appointed may appoint one of such persons to be the chairman and another of such persons to be the vice-chairman.

* * * * *

(2) On the publication of a notification in the Official Gazette under sub-section (1), the following consequences shall ensue, namely :—

(*a*) the members of the governing body which has been superseded shall, as from the date of the notification of supersession, cease to hold office as such members ;

(*b*) the person or persons appointed under sub-section (1) may exercise and perform all the powers and duties of the governing body which has been superseded ;

(*c*) all such property of the recognised association as the person or persons appointed under sub-section (1) may, by order in writing, specify in this behalf as being necessary for the purpose of enabling him or them to carry out the purposes of this Act, shall vest in such person or persons.

(3) Notwithstanding anything to the contrary contained in any law or the rules or bye-laws of the association whose governing body is superseded under sub-section (1), the person or persons appointed under that sub-section shall hold office for such period as may be specified in the notification published under that sub-section, and the Central Government may, from time to time, by like notification vary such period.

(4) On the determination of the period of office of any person or persons appointed under this section the recognised association shall forthwith reconstitute a governing body in accordance with its rules :

Provided that until a governing body is so reconstituted, the person or persons appointed under sub-section (1) shall continue to exercise and perform their powers and duties.

(5) On the reconstitution of a governing body under sub-section (4), all the property of the recognised association which had vested in, or was in the possession of, the person or persons appointed under sub-section (1) shall vest or re-vest, as the case may be, in the governing body so reconstituted.

14. *Power to suspend business of recognised associations.*—If in the interest of the trade or in the public interest the Central Government considers it expedient so to do, it may, by notification in the Official Gazette, direct a recognised association to suspend such of its business for such period not exceeding seven days and subject to such conditions as may be specified in the notification, and may in consultation with the Commission, by like notification extend the said period from time to time.

CHAPTER IV.

Forward Contracts and Option in Goods.

15. *Forward contracts in notified goods illegal or void in certain circumstances.*—(1) The Central Government may, by notification in the Official Gazette, declare this section to apply to such goods or class of goods and in such areas as may be specified in the notification, and thereupon, subject to the provisions contained in section 18, every forward contract for the sale or purchase of any goods specified in the notification which is entered into in the area specified therein otherwise than between members of a recognised association or through or with any such member shall be illegal.

(2) Any forward contract in goods entered into in pursuance of sub-section (1) which is in contravention of any of the bye-laws specified in this behalf under clause (*a*) of sub-section (3) of section 11 shall be void—

(i) as respects the rights of any member of the recognised association who has entered into such contract in contravention of any such bye-law, and also,

(ii) as respects the rights of any other person who has knowingly participated in the transaction entailing such contravention,

and notwithstanding anything contained in section 211 or section 222 of the Indian Contract Act, 1872 (IX of 1872), no claim of any description in respect of such contract by any member of the recognised association or by any other person who has knowingly participated in the transaction entailing such contravention shall be entertained in any civil court.

(3) Nothing in sub-section (2) shall affect the right of any person other than a member of the recognised association to enforce any such contract or to recover any sum under or in respect of such contract:

Provided that such person had no knowledge that such transaction was in contravention of any of the bye-laws specified under clause (*a*) of sub-section (3) of section 11.

(4) No member of a recognised association shall, in respect of any goods specified in the notification under sub-section (1), enter into any contract on his own account with any person other than a member of the recognised association, unless he has secured the * * * consent or authority of such person and discloses in the note, memorandum or agreement of sale or purchase that he has brought or sold the goods, as the case may be, on his own acccount:

Provided that where the member has secured the consent or authority of such person otherwise than in writing he shall secure a written confirmation by such person of such consent or authority within three days from the date of such contract:

Provided further that no such * consent or authority of such person shall be necessary for closing out in accordance with the bye-laws any outstanding contract entered into by such member on his own account with such person if the member discloses in the note, memorandum or agreement of sale or purchase in respect of such closing out that he has bought or sold the goods, as the case may be, on his own account.

16. *Consequences of notification under section 15.*—Where a notification has been issued under section 15, then notwithstanding anything contained in any other law for the time being in force or in any custom, usage or practice of the trade or the terms of any contract or the bye-laws of any association concerned relating to any contract,—

(*a*) every forward contract for the sale or purchase of any goods specified in the notification, entered into before the date of the notification and remaining to be performed after the said date and which is not in conformity with the provisions of section 15, shall be deemed to be closed out at such rate as the Central Government may fix in this behalf, and different rates may be fixed for different classes of such contracts;

(*b*) all differences arising out of any contract so deemed to be closed out shall be payable on the basis of the rate fixed under clause (*a*), and the seller shall not be bound to give and the buyer shall not be bound to take delivery of the goods.

17. *Power to prohibit forward contracts in certain cases.*—(1) The Central Government may, by notification in the Official Gazette, declare that no person shall, save with the permission of the Central Government, enter into any forward contract for the sale or purchase of any goods or class of goods specified in the notification and to which the provisions of section 15 have not been made applicable, except to the extent and in the manner, if any, as may be specified in the notification.

(2) All forward contracts in contravention of the provisions of sub-section (1) entered into after the date of publication of the notification thereunder shall be illegal.

(3) Where a notification has been issued under sub-section (1), the provisions of section 16 shall, in the absence of anything to the contrary in the notification, apply to all forward contracts for the sale or purchase of any goods specified in the notification entered into before the date of the notification and remaining to be performed after the said date as they apply to all forward contracts for the sale or purchase of any goods specified in the notification under section 15.

18. *Chapters III and IV to apply to non-transferable specific delivery contracts only in certain cases.*—(1) Where a notification under section 15 has been issued in respect of any goods or class of goods, the Central Government shall, by a like notification, define the area in which a recognised association may regulate and control non-transferable specific delivery contracts in respect of such goods or class of goods and the provisions of this Chapter and of Chapter III shall apply to non-transferable specific delivery contracts only in such areas and only in respect of such goods or class of goods.

(2) Notwithstanding anything contained in sub-section (1), if the Central Government is of opinion that in the interests of the trade or in the public interest it is expedient to regulate and control non-transferable specific delivery contracts in any area to which the provisions of this Chapter and of Chapter III do not apply, it may, by notification in the Official Gazette, declare that all or any of the provisions of the said Chapters shall apply to non-transferable specific delivery contracts in such area and in respect of such goods or class of goods as may be specified in the notification, and may also specify the manner in which and the extent to which all or any of the said provisions shall so apply.

19. *Prohibition of options in goods.*—(1) Notwithstanding anything contained in this Act or any other law for the time being in force, all options in goods entered into after the date on which this section comes into force shall be illegal.

(2) Any option in goods which has been entered into before the date on which this section comes into force and which remains to be performed, whether wholly or in part, after the said date shall to that extent become void.

CHAPTER V.

PENALTIES AND PROCEDURE.

20. *Penalty for contravention of certain provisions of Chapter IV.*—(1) Any person who enters into any forward contract or any option in goods in contravention of any of the provisions contained in sub-section (1) of section 15, section 17 or section 19 shall, on conviction, be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) Any person who enters into any forward contract in contravention of the provisions contained in sub-section (3) of section 15 shall on conviction be punishable with fine.

21. *Penalty for owning or keeping place used for entering into forward contracts in goods.*—Any person who—

(*a*) owns or keeps a place other than that of a recognised association, which is used for the purpose of entering into or making or performing, whether wholly or in part, any forward contracts in contravention of any of the

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provisions of this Act and knowingly permits such place to be used for such purposes, or

(b) without the permission of the Central Government organises, or assists in organising, or becomes a member of, any association, other than a recognised association, for the purpose of assisting in, entering into or making or performing, whether wholly or in part, any forward contracts in contravention of any of the provisions of this Act, or

(c) manages, controls or assists in keeping any place other than that of a recognised association, which is used for the purpose of entering into or making or performing, whether wholly or in part, any forward contracts in contravention of any of the provisions of this Act or at which such forward contracts are recorded or adjusted, or rights or liabilities arising out of such forward contracts are adjusted, regulated or enforced in any manner whatsoever, or

(d) not being a member of a recognised association, wilfully represents to, or induces, any person to believe that he is a member of a recognised association or that forward contracts can be entered into or made or performed, whether wholly or in part, under this Act through him, or

(e) not being a member of a recognised association or his agent authorised as such under the rules or bye-laws of such association, canvasses, advertises or touts in any manner, either for himself or on behalf of any other person, for any business connected with forward contracts in contravention of any of the provisions of this Act, or

(f) joins, gathers, or assists in gathering at any place, other than the place of business specified in the bye-laws of a recognised association, any person or persons for making bids or offers or for entering into or making or performing any forward contracts in contravention of any of the provisions of this Act,

shall, on conviction, be punishable with imprisonment which may extend to two years, or with fine, or with both.

22. *Offences by companies.*—(1) Where an offence has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any gross negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

23. *Certain offences to be cognizable.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), any offence punishable under sub-section (1) of section 20 or section 21 shall be deemed to be a cognizable offence within the meaning of that Code.

24. *Jurisdiction to try offences under this Act.*—No court inferior to that of a presidency magistrate or a magistrate of the first class shall take cognizance of, or try any offence punishable under this Act.

CHAPTER VI.

MISCELLANEOUS.

25. *Power to delegate.*—The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act may in such circumstances and subject to such conditions, if any, as may be specified, be exercised by such officer or authority, including any State Government or officers or authorities thereof as may be specified in the direction.

26. *Power to exempt.*—The Central Government may, by notification in the Official Gazette, exempt, subject to such conditions and in such circumstances and in such areas as may be specified in the notification, any contract or class of contracts from the operation of all or any of the provisions of this Act.

* * *

27. *Powers to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the objects of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the terms and conditions of service of members of the Commission ;

(*b*) the manner in which applications for recognition may be made under section 5 and the levy of a fee in respect thereof ;

(*c*) the manner in which any inquiry for the purpose of recognising any association may be made and the form in which recognition shall be granted ;

(*d*) the particulars to be contained in the annual reports of recognised associations ;

(*e*) the manner in which the bye-laws to be made, amended or revised, under this Act shall, before being so made, amended or revised, be published for criticism ;

(*f*) any other matter which is to be or may be prescribed.

K. SANTHANAM.

NEW DELHI,
11th August 1951.

M. N. KAUL,
Secretary.

NOTIFICATION.

No. L.D. 1007—Legis. 3-51-25, dated Bangalore, 17th September 1951.

Ordered that the Railway Companies (Emergency Provisions) Bill, 1951 (Central Bill No. 70 of 1951), published in the *Gazette of India*, Part II, Section 2, dated the 1st September 1951, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

PARLIAMENT OF INDIA.

The following Bill was introduced in Parliament on the 25th August 1951 :—

BILL No. 70 OF 1951

A Bill to make provision for the proper management and administration of railway companies in certain special cases.

BE it enacted by Parliament as follows :—

1. *Short title, extent and application.*—(1) This Act may be called the Railway Companies (Emergency Provisions) Act, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It applies to every railway company in respect of which a notified order has been issued under Section 3.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) "Companies Act" means the Indian Companies Act, 1913 (VII of 1913);

(*b*) "directors" means the directors appointed under Section 3;

(*c*) "notified order" means an order notified in the Official Gazette;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "railway company" means any company registered under the Companies Act or any law repealed thereby for the purpose of making and working or making or working a railway, whether alone or in conjunction with other purposes.

3. *Power of Central Government to apply Act to any railway company and to appoint directors thereof.*—(1) Where the Central Government is of opinion that a situation has arisen in the affairs of a railway company which—

(*a*) has prejudicially affected the convenience of persons using the railway administered by the railway company, or

(*b*) has caused serious dislocation in any trade or industry using the railway, or

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(c) has caused serious unemployment amongst a section of the community, the Central Government may, by notified order, apply the provisions of this Act to the railway company and appoint as many persons as it thinks fit to be directors of the railway company for the purpose of taking over its management and administration.

(2) The power to appoint directors under this section includes the power to appoint any individual, firm or company to be the managing agent of the railway company on such terms and conditions as to the Central Government may seem fit.

4. *Effect of notified order appointing directors or managing agents.*—On the issue of a notified order under Section 3,—

(a) all persons holding office as directors of the railway company immediately before the issue of the notified order shall be deemed to have vacated their offices as such ;

(b) any contract of management between the railway company and any managing agent thereof holding office as such immediately before the issue of the notified order shall be deemed to have terminated ;

(c) the managing agent, if any, appointed under this Act shall be deemed to have been duly appointed in pursuance of the Companies Act and the memorandum and articles of association of the railway company, and the provisions of the Companies Act and of the memorandum and articles shall, subject to the other provisions contained in this Act, apply accordingly, but no such managing agent shall be removed from office except with the previous consent of the Central Government ;

(d) the directors shall take such steps as may be necessary to take into their custody or under their control all the property, effects and actionable claims to which the railway company is, or appears to be, entitled, and all the property and effects of the railway company shall be deemed to be in the custody of the directors as from the date of the notified order ;

(e) the directors shall be for all purposes the directors of the railway company duly constituted under the Companies Act, and shall alone be entitled to exercise all the powers of the directors of the railway company, whether such powers are derived from the Companies Act or from the memorandum or articles of association of the railway company or from any other source.

5. *Powers and duties of directors.*—(1) Subject to the control of the Central Government, the directors shall take such steps as may be necessary for the purpose of efficiently managing the business of the railway company and, in particular, the directors shall have power, notwithstanding anything contained in the Companies Act or in the memorandum or articles of association of the railway company,—

(a) to choose one of their number to be the chairman, and to delegate to him or to any one or more of the directors all or any of their powers ;

(b) with the previous approval of the Central Government and subject to such conditions as that Government may think fit to impose, to raise funds in such manner and offer such security therefor as they think fit ;

(c) to carry out such repairs as may be necessary in respect of any machinery, rolling stock, buildings, works or other property in their custody ;

(d) to do all acts necessary for making, maintaining, altering or repairing and using the railway of the railway company ;

(e) to employ such persons as may be necessary for enabling them to efficiently discharge their duties, and define the conditions of service of such employees.

(2) The directors may, with the previous sanction of the Central Government, cancel or vary, either unconditionally or subject to such conditions as they think fit to impose, any contract or agreement entered into between the railway company and any other person at any time before the issue of the notified order under section 3, if the directors are satisfied that such contract or agreement is detrimental to the interests of the railway company.

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6. *Statement of affairs to be made to directors.*—(1) On the issue of a notified order under section 3, there shall be made out and submitted to the directors a statement as to the affairs of the railway company, verified by affidavit and containing the following particulars, namely :—

(*a*) the assets of the railway company, stating separately the cash balance in hand and at the bank, if any ;

(*b*) the debts and liabilities ;

(*c*) the names, residences and occupations of the creditors, stating separately the amount of secured debts and unsecured debts and, in the case of secured debts, the particulars of the securities, their value and the dates when they were given ;

(*d*) the debts due to the railway company and the names, residences and occupations of the persons from whom they are due and the amount likely to be realised therefrom ;

(*e*) such other particulars as may be prescribed.

(2) The statements shall be submitted by one or more of the persons who was or were holding office as a director or as directors of the railway company immediately before the issue of the notified order under section 3 or by the secretary, manager or other chief officer of the railway company who was holding office as such before the issue of the notified order as the directors may require in each case, and the statement shall be submitted within such time as may be so required.

(3) If any person, without any reasonable excuse, knowingly and wilfully makes default in complying with the requirements of this section, he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

7. *Statements by beneficial owners of shares of railway company.*—Any person who has any interest in any share of the railway company which stands in the name of another person in the register of share-holders of the railway company shall, within such period as may be specified by the Central Government by notified order, make a declaration in such form as may be prescribed (which shall be countersigned by the person in whose name the share is registered) to the railway company declaring his interest in the share, and notwithstanding anything contained in any other law or in any contract to the contrary, a person who fails to make a declaration as aforesaid in respect of any share shall be deemed to have no right or title whatsoever in or to that share :

Provided that nothing in this section shall affect the right of any person who has an interest in any such share to establish in a court his right thereto if the person in whose name the share is registered refuses to sign that declaration as required by this section.

8. *Power of directors to institute proceedings against past directors, etc., for damages.*—(1) The directors may, if they are satisfied that it is necessary in the interest of the railway company or in the public interest so to do, institute in the name of the railway company such proceedings as they think fit for the recovery of damages for any fraud, misfeasance or other misconduct in connection with the management of the affairs of the railway company committed by any person before the issue of the notified order under section 3 or for the recovery of any property of the railway company which has been misapplied or wrongfully retained by any person.

(2) No director shall be personally liable for any costs or expenses incurred in connection with any proceedings instituted by virtue of this section.

9. *Penalties.*—If any person wilfully destroys or fails to deliver to the directors when required any books of account, registers or any other documents in his custody relating to the business of the railway company or retains any property of the railway company, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

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10. *Filling up of vacancies among directors.*—(1) Casual vacancies occurring in the body of directors, whether caused by death, resignation or otherwise, shall be filled by nomination by the Central Government.

(2) No act of the directors shall be called in question on the ground merely of the existence of any vacancy among the directors or any defect in the appointment of any of them.

11. *No right to compensation for termination of contract of managing agent or any other contract.*—(1) Notwithstanding anything contained in the Companies Act or in any other law for the time being in force, no managing agent shall be entitled to any compensation for the premature termination under this Act of any contract of management entered into by him with the raiway company, and no person shall be entitled to compensation in respect of the cancellation or variation under this Act of any other contract or agreement.

(2) Nothing contained in sub-section (1) shall affect the right of any such managing agent or person to recover from the railway company moneys recoverable otherwise than by way of such compensation.

12. *Cancellation of appointment of directors.*—(1) If at any time it appears to the Central Government that the purpose of the notified order appointing the directors has been fulfilled or that for any other reason it is unnecessary that the notified order should remain in force, the Central Government may, by notified order, cancel the appointment of directors made under this Act.

(2) On the cancellation of any such appointment as is referred to in sub-section (1), the Central Government may—

(*a*) direct that all the property, effects and actionable claims of the railway company shall revest in the persons in whom they were vested before the issue of the notified order under section 3; or

(*b*) reconstitute by fresh appointment a new body of persons to take charge of the management and administration of the whole affairs of the railway company, whether as directors or managers or in any other capacity:

Provided that no such fresh appointment shall be made except in pursuance of a resolution passed by the share-holders of the railway company at a meeting called for the purpose by the directors appointed under section 3.

(3) The Central Government may, at any time before the issue of the notified order under sub-section (1), take such action as may be necessary under clause (*b*) of sub-section (2) for the purpose of making any fresh appointments.

13. *Application of the Companies Act.*—(1) Notwithstanding anything contained in the Companies Act or in the memorandum or articles of association of the railway company, but subject to the other provisions contained in this Act,—

(*a*) it shall not be lawful for the share-holders of the railway company or any other person to nominate or appoint any person to be a director of the railway company;

(*b*) no resolution passed at any meeting of the share-holders of the railway company shall be given effect to unless approved by the Central Government;

(*c*) no proceeding for the winding-up of the railway company or for the appointment of a receiver in respect thereof shall lie in any court, unless by or with the sanction of the Central Government.

(2) Subject to the provisions contained in sub-section (1) and to the other provisions contained in this Act and subject to such exceptions, restrictions and limitations as the Central Government may by notified order specify, the Companies Act shall continue to apply to the railway company in the same manner as it applied thereto before the issue of the notified order under section 3.

14. *Effect of Act on other laws.*—The provisions of this Act and of any notified order made thereunder shall have effect notwithstanding anything inconsistent therewith in any other law for the time being in force or in the memorandum or

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articles of association of the railway company or in any other instrument having effect by virtue of any law other than this Act, but save as aforesaid the provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being applicable to the railway company.

15. *Directors to be public servants.*—Every director appointed under section 3 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

16. *Delegation of powers.*—The Central Government may, by notified order, direct that all or any of the powers exercisable by it under this Act, except the powers given to it under section 3 to apply the provisions of this Act to any railway company, or the powers given to it under section 12 or section 18 may be exercised by any State Government, and where any powers are so delegated, they shall be exercised subject to such directions as the Central Government may issue from time to time.

17. *Protection of action taken under Act.*—(1) No suit, prosecution or other legal proceeding shall lie against any director in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or any State Government or any director for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act.

18. *Power of Central Government to acquire railway of railway company.*—(1) Where under any instrument, having effect by virtue of any law other than this Act or by virtue of an agreement arrived at between the parties, provision is made for the purchase by a person or local authority or the State Government of a railway which is the property of a railway company on payment of the value thereof calculated in the manner and subject to the conditions specified in the instrument, the Central Government shall also have the same right to purchase the railway on the same terms and subject to the same conditions as the person, local authority or the State Government has under the instrument.

(2) If in respect of any railway the Central Government exercises its right of purchase under this section, any person, local authority or State Government, in whom or in which a similar right is vested under the instrument, shall be deemed to have become disentitled to exercise the same.

19. *Power to make rules.*—(1) The Central Government may, by notified order, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, any rules made under sub-section (1) may provide for—

(*a*) the manner in which or the conditions subject to which the directors or managing agents of a railway company may exercise their powers under this Act;

(*b*) the additional particulars which a statement under section 6 should contain;

(*c*) the form in which a declaration under section 7 may be made;

(*d*) the manner in which books of account shall be maintained by the directors and audited;

(*e*) the submission of specified or periodical returns and reports by the directors to any specified authority in connection with the affairs of the railway company.

20. *Repeal of Ordinance II of 1951.*—The Railway Companies (Emergency Provisions) Ordinance, 1951 (II of 1951) is hereby repealed:

Provided that the repeal shall not affect—

(*a*) the previous operation of the said Ordinance, or

(*b*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Ordinance, or

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(c) any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture or punishment, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture, or punishment may be imposed as if this Act had not been passed :

Provided further that, subject to the preceding proviso, anything done or any action taken (including any notified order issued, appointment made or direction given under the said Ordinance) shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act.

STATEMENT OF OBJECTS AND REASONS

Although all the major Railways in the country are now under Government management, a few narrow-gauge light Railways are still being managed by private companies. Government have statutory control over these Railways in respect of fares and freight rates, and may enforce safety regulations under the Indian Railways Act, 1890 ; but they have no power to ensure that the day to day administration of the Railways by the companies is in the best interests of the public. Of late Government have been receiving complaints regarding mismanagement by some of these companies thereby causing a great deal of inconvenience to the normal life of the community. It became imperative, therefore, that Government should, in the public interest, take powers to intervene in cases where in the opinion of Government a situation has arisen in the affairs of Railway company which prejudically affects the convenience of persons using the Railway or causes serious dislocation in any trade or industry using the Railway or causes serious unemployment among the persons employed on the Railway.

An Ordinance entitled the Railway Companies (Emergency Provisions) Ordinance, 1951, was accordingly promulgated on the 14th July, 1951. The Ordinance was of general nature and provided for the application thereof to a delinquent Railway company by a notified order. The result of such a notification would be that Government is enabled to appoint a new board of directors for the Railway company in supersession of the existing board of directors and any contract of management between the Railway company and any managing agent would be automatically terminated. The intention underlying these provisions is that the company should be put back into its normal position when it would be possible to restore the management of the company to its old board of directors or to a new board of directors appointed in pursuance of a resolution passed by the shareholders of the company. The Ordinance contains the usual provision for delegation of powers so that in suitable cases power could be delegated to the State Government to administer the affairs of a Railway company within its jurisdiction, the management of which has to be taken over by the Government.

In the case of the Baraset-Basirhat Light Railway Company which owns a narrow-gauge line about 52 miles long in West Bengal, the Government of West Bengal caused an investigation to be made into the affairs of the company by a high-level committee who found considerable evidence of serious mismanagement in the affairs of the company which culminated in a labour strike and consequent suspension of railway service from the 14th April, 1951. The Ordinance was therefore, made applicable to this Railway company and powers in respect of this company have been delegated to the Government of West Bengal under the Ordinance.

The present Bill seeks to replace the Ordinance and to validate all action taken thereunder.

NEW DELHI ;
The 11th August, 1951.

K. SANTHANAM.

M. N. KAUL,
Secretary.

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PART IV.

Section—1-C.

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION

No. L.D. 1953—Legis. 6-51-49, dated Bangalore, 21st January 1952.

Ordered that Notifications No. S.R.O. 35 and 36, dated the 5th January 1952 of the Ministry of Labour under the Industrial Disputes Act, 1947, published in the *Gazette of India*, Part II, Section 3, dated the 5th January 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LABOUR

NOTIFICATION

New Delhi, the 5th January 1952.

S.R.O. 35.—In exercise of the powers conferred by section 7 of the Industrial Disputes Act, 1947 (XIV of 1947), and in supersession of the notification of the Government of India in the Ministry of Labour S.R.O. 1078, dated the 17th July, 1951, the Central Government hereby constitutes an Industrial Tribunal consisting of the following members, for the adjudication of industrial disputes concerning banking companies, namely,

1. Shri S. Panchapagesa Sastri, retired Judge of the High Court of Judicature, Madras ... Chairman
2. Shri M. L. Tannan ... ... Member
3. Shri V. L. D'Souza, Professor of Economics, Maharaja's College, University of Mysore ... Member

[No. LR-100(4)/I.]

ORDERS

S/8

New Delhi, the 5th January 1952.

S.R.O. 36.—WHEREAS the Central Government is of opinion that an industrial dispute exists between employers and workmen in relation to some of the banking companies specified in Schedule I;

AND WHEREAS the Central Government considers it desirable to refer for adjudication the matters specified in Schedule II which are either matters in dispute or matters connected with, or relevant to, the said dispute;

AND WHEREAS the Central Government is further of opinion that the said dispute is of such a nature that the other banking companies specified in Schedule I are likely to be interested in, or affected by, that dispute and that it is desirable to include also those banking companies in that reference.

NOW, THEREFORE, in exercise of the powers conferred by section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby refers to the Industrial Tribunal constituted by the notification of the Governmet of India in the Ministry of Labour No. IR/100(4)/I, dated the 5th January, 1952, for adjudication the matters specified in Schedule II (being either matters in dispute or matters connected with, or relevant to, the dispute), as between employers and workmen in relation to all the banking companies specified in Schedule I.

SCHEDULE I.

LIST OF SCHEDULED BANKS HAVING BRANCHES IN MORE THAN ONE STATE.

Name of Bank	*Address*
GROUP A.	
(i) *Banks having deposits of over Rs. 50 crores.*	
1. Bank of India, Ltd.	Mahatma Gandhi Road, Fort, Bombay.
2. Central Bank of India, Ltd.	Esplanade Road, Fort, Bombay.
3. Habib Bank, Ltd.	Dada Manzil, Mahomedali Road, Bombay.
4. Imperial Bank of India	3, Strand Road, Calcutta.
5. Punjab National Bank, Ltd.	8, Underhill Road, Civil Lines, Delhi.
(ii) *Exchange Banks.*	
1. Bank of China	13, Old Court House Street, Calcutta.
2. Chartered Bank of India, Australia and China.	4, Netaji Subhas Road, Calcutta.
3. Comptior National D'Escompte de Paris.	Bombay House, Bruce Street, Bombay 1.
4. Eastern Bank, Ltd.	14, Netaji Subhas Road, Calcutta.
5. Grindlay's Bank, Ltd.	Mint Road, Bombay.
6. Hongkong and Shanghai Banking Corporation.	31, Dalhousie Square, Calcutta.
7. Lloyds Bank, Ltd.	29, Netaji Subhas Road, Calcutta.
8. Mercantile Bank of India, Ltd.	Bombay.
9. National Bank of India, Ltd.	19, Netaji Subhas Road, Calcutta.
10. National City Bank of New York	293, Hornby Road, Fort, Bombay.
11. National Handlesbank N. V.	Royal Exchange Place (East), Calcutta.
12. Netherlands Trading Society, Ltd.	28, Pollack Street, Calcutta.

GROUP B.

Banks having deposits between Rs. 15 and Rs. 50 crores.

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Name of Bank	Address
1. Allahabad Bank, Ltd.	6, Royal Exchange Place, Calcutta.
2. Bank of Baroda, Ltd.	Baroda.
3. Hyderabad State Bank	Hyderabad (Deccan).
4. Indian Bank, Ltd.	Indian Bank Buildings, Madras.
5. United Bank of India, Ltd.	4, Cliveghat Street, Calcutta.
6. United Commercial Bank, Ltd.	6-D, Lindsay Street, Calcutta.

GROUP C.

Other Banks having deposits less than Rs. 15 crores.

1. Bank of Bihar, Ltd.	Patna.
2. Bank of Bikaner, Ltd.	Ganga Niwas, Public Park, Bikaner.
3. Bank of Indore, Ltd.	1, Prince Yeshwant Road, Indore City.
4. Bank of Jaipur, Ltd.	Tripolia Bazar, Jaipur City.
5. Bank of Maharashtra, Ltd.	Laxmi Road, Poona City.
6. Bank of Mysore, Ltd.	Avenue Road, Bangalore.
7. Bank of Rajasthan, Ltd.	Udaipur (Rajasthan).
8. Bharatha Laxmi Bank, Ltd.	Masulipatam (Madras).
9. Canara Bank, Ltd.	Lighthouse Hill, Mangalore.
10. Canara Banking Corporation, Ltd.	Udipi (South Canara).
11. Canara Industrial and Banking Syndicate, Ltd.	Udipi (South Canara).
12. Devkaran Nanjee Banking Company, Ltd.	Devkaran Nanjee Buildings, Elphinstone Circle, Fort, Bombay.
13. Gadodia Bank, Ltd.	235, Kalbadevi Road, Bombay 2.
14. Hind Bank, Ltd.	9, Royal Exchange Place, Calcutta.
15. Hindustan Commercial Bank, Ltd.	Kanodia Commercial Building, Birhana Road, Kanpur.
16. Hindustan Mercantile Bank, Ltd.	10, Clive Row, Calcutta.
17. Indian Overseas Bank, Ltd.	United India Life Building, Esplanade, Madras.
18. Indo-Mercantile Bank, Ltd.	Mattancherry, Travancore-Cochin.
19. Jodhpur Commercial Bank, Ltd.	Jalori Gate, Jodhpur.
20. Laxmi Bank, Ltd.	Akola (Madhya Pradesh).
21. Mercantile Bank of Hyderabad, Ltd.	552, Sultan Bazar, Hyderabad (Deccan).
22. Narang Bank of India, Ltd.	Amritsar.
23. National Bank of Lahore, Ltd.	31, Rajpur Road, Delhi.
24. National Savings Bank, Ltd.	43-45, Apollo Street, Fort, Bombay.
25. Nedungadi Bank, Ltd.	Kozhikode (Madras).
26. New Citizen Bank of India, Ltd.	16, Apollo Street, Fort, Bombay.
27. Oriental Bank of Commerce, Ltd.	Delhi.
28. Palai Central Bank, Ltd.	Palai (Travancore-Cochin).
29. Pandyan Bank, Ltd.	Tirumangalam (Mathurai District).
30. Punjab and Sind Bank, Ltd.	45A, Lytton Road, Dehra Dun.
31. Punjab Co-operative Bank, Ltd.	Amritsar.
32. South Indian Bank, Ltd.	Trichur (Travancore-Cochin).
33. Travancore Bank, Ltd.	Trivandrum (Travancore-Cochin).
34. Travancore Forward Bank, Ltd.	Kottayan (Travancore-Cochin).
35. Union Bank of India, Ltd.	62-68, Apollo Street, Fort, Bombay.
36. United Industrial Bank, Ltd.	7, Wellesley Place, Calcutta.
37. Vysya Bank, Ltd.	467, Sri Krishnarajendra Road, Bangalore City.

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Banks working under schemes of arrangements.

	Name of Bank		Address
38.	Bank of Assam, Ltd.	...	Shillong (Assam).
39.	Lakshmi Commercial Bank, Ltd.	...	Delhi.
40.	Mahaluxmi Bank, Ltd.	...	15, Clive Street, Calcutta.
41.	New Bank of India, Ltd.	...	Khoti Ahata, Amritsar.
42.	Prabhat Bank, Ltd.	...	719, Chandni Chowk, Delhi.
43.	Traders' Bank, Ltd.	...	13, Rajpur Road, Delhi.
44.	Tripura Modern Bank, Ltd.	...	102/1, Netaji Subhas Road, Calcutta.

GROUP D.

Banks which have suspended payments, or are granted moratorium or are prohibited from accepting fresh deposits.

1.	Calcutta National Bank, Ltd.	...	P-2, Mission Row, Extension, Calcutta. (Under Moratorium).

LIST OF NON-SCHEDULED BANKS HAVING BRANCHES IN MORE THAN ONE STATE.

(i) *Banks having deposits less than Rs. 15 crores and working normally.*

1.	All India Bank, Ltd.	...	58, Netaji Subhas Road, Calcutta.
2.	Ambat Bank, Ltd.	...	Chittur, Travancore-Cochin.
3.	Bharat National Bank, Ltd.	...	Chakradharpur, Bihar.
4.	Bishnupur Bank, Ltd.	...	Bishnupur Dist., Bankura (West Bengal).
5.	Catholic Bank of India, Ltd.	...	Changanachery (Travancore-Cochin).
6.	Catholic Syrian Bank, Ltd.	...	Trichur (Travancore-Cochin).
7.	Central Mercantile Bank, Ltd.	...	Monghyr, Bihar.
8.	Chaldean Syrian Bank, Ltd.	...	Trichur (Travancore-Cochin).
9.	Cochin Commercial Bank, Ltd.	...	Cochin (Travancore-Cochin).
10.	Cochin Nayar Bank, Ltd.	...	Trichur (Travancore-Cochin).
11.	Cochin National Bank, Ltd.	...	Trichur (Travancore-Cochin).
12.	Cochin Union Bank, Ltd.	...	Trichur (Travancore-Cochin).
13.	Depositors Bank, Ltd.	...	Jullundur Cantt.
14.	Dhanalakshmi Bank, Ltd.	...	Trichur (Travancore-Cochin).
15.	G. Raghunathmul Bank, Ltd.	...	Abid Road, Hyderabad (Dn.).
16.	Hindu Bank, Karur, Ltd.	...	67, New Kutchery Street, Karur (Dist. Tiruchirapalli).
17.	Indian Insurance and Banking Corporation, Ltd.		Trichur (Travancore-Cochin).
18.	Indian Relief Bank, Ltd.	...	1/99, Godown Street, G.T., Madras.
19.	Jayalakshmi Bank, Ltd.	...	Old Court Road, Mangalore.
20.	Janjira Bank, Ltd.	...	Bazar Road, Janjira Murud, Dist. Colaba (Bombay).
21.	Karnataka Bank, Ltd.	...	Bongerkeri Street, Mangalore.
22.	Maharashtra Apex Bank, Ltd.	...	Ramjaneya Building, Koladayet, Udipi (South Kanara).
23.	Malabar Bank, Ltd.	...	Trichur (Travancore-Cochin).
24.	Melarkode Bank, Ltd.	...	Sultanpet, Palghat (Madras).
25.	Mannar Bank, Ltd.	...	Mannar (Travancore-Cochin).
26.	Model Bank of India, Ltd.	...	Rash Behari Avenue, Calcutta.
27.	Morvi Mercantile Bank, Ltd.	...	Morvi (Saurashtra).
28.	National City Bank, Ltd.	...	Jullundur City (East Punjab).
29.	Orient Bank of India, Ltd.	...	135, Clive Street, Calcutta.
30.	Prabhakara Bank, Ltd.	...	Moodabidri, South Kanara (Madras).

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	Name of Bank	Address
31.	Safe Bank, Ltd.	Itwari, Nagpur City.
32.	Salem Bank, Ltd.	Bazar Street, Salem.
33.	Sind National Bank, Ltd.	P.O. Box 59, Ajmer.
34.	Thomcos Bank, Ltd.	Beach Road, Alleppy (Travancore-Cochin).
35.	Tripura State Bank, Ltd.	Agartala (Tripura State).
36.	Union Bank of Bengal, Ltd.	8, Clive Street, Calcutta.
37.	United Bank of Travancore, Ltd.	Palai (Travancore-Cochin).
38.	Vijaya Bank, Ltd.	Kadri Road, Mangalore (South Kanara).

(ii) *Bank working under Schemes of Arrangement, etc.*

1.	Dass Bank, Ltd.	14, Netaji Subas Road, Calcutta.	Working under a scheme of arrangement.
2.	First National Bank, Ltd.	Chaura Bazar, Ludhiana.	Do
3.	Punjab & Kashmir Bank, Ltd.	Jullundur City	Do
4.	Shillong Banking Corporation, Ltd.	Jail Road, Shillong, Assam.	Do
5.	Simla Banking & Industrial Co., Ltd.	No. 1, Bank Building, The Mall, Simla.	Do
6.	Agricultural & Industrial Sri Bank, Ltd.	Nivas, West Coast Road, Coondapur.	Suspended payment on 17th August, 1951.
7.	Bank of Industries, Ltd.	28, Strand Road, Calcutta.	Action under section 247 of the Indian Companies Act being taken.
8.	Inland Bank, Ltd.	13, David Joseph Lane, Calcutta.	Do
9.	National Central Bank, Ltd.	10, Canning Street, Calcutta.	Do
10.	Overland Bank, Ltd.	6, Clive Street, Calcutta	Do
11.	Provincial Bank, Ltd.	6, Netaji Subhas Road, Calcutta.	Do
12.	Public National Bank, Ltd.	78, Clive Street, Calcutta	Do
13.	Radiant Bank, Ltd.	Clive Street, Calcutta	Do
14.	Associated Bank of India, Ltd.	5 & 6, Hare Steet, Calcutta.	Present position not known.
15.	Bengal Express Bank, Ltd.	53, Netaji Subhas Road, Calcutta.	Do
16.	Bengal Oriental Bank, Ltd.	P-29, Mission Row Extension, Calcutta (Registered: Office Comilla, E. Pakistan).	Do
17.	Bengal Union Bank, Ltd.	278, Upper Chitpur Road, Calcutta.	Do
18.	Comilla Commercial Bank, Ltd.	3, Commercial Buildings, Calcutta.	Do
19.	Loyal Bank, Ltd.	29, Strand Road, Calcutta, (Registered Office: Chandpur, East Pakistan).	Do
20.	Sakti Bank, Ltd.	156, Cross Street, Calcutta.	Do

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	Name of Bank		Address	
21.	Sunrise Bank, Ltd.	...	18, Bader Bagan Street, Calcutta (Registered Office: Comilla, East Pakistan).	Do
22.	Surma Valley Bank, Ltd.		Sylhet ...	Do (The Bank is in liquidation in Pakistan).
23.	Sonapur Bank, Ltd.	...	57, Netaji Subhas Road, Calcutta.	Present position not known.

SCHEDULE II.

1. Scales of pay, including :—

   (a) whether the remuneration of workmen and their periodical increment should be correlated to their efficiency and attendance, and

   (b) whether, if basic scales are recommended, such scales of pay of particular categories should be uniform all over India and whether the difference in the cost of living of the various centres should be adjusted by the grant of compensatory allowances.

2. Dearness allowance to staff as well as pensioners. Can a portion of the dearness allowance be transferred to, and absorbed in, the basic wage ? In particular can this be done in the case of banks in the United Provinces in respect of the allowance payable at the commencement of Shri B. B. Singh's award ?

3. House rent allowance. If this allowance is payable, should it be paid to all workmen.

4. Other allowances (other than travelling allowance, conveyance allowance and halting allowance) payable, for example, education or children's allowance, washing allowance, hill allowance, fuel allowance, grain allowance, Poona Cantonment allowance, officiating allowance, scarcity allowance, border allowance, local allowance and six-monthly accounting allowance.

5. Bonus, including the qualifications for eligibility and method of payment.

6. Whether income and professional taxes payable by workmen should be paid on their behalf by banks ?

7. Subsistence allowance during periods of suspension.

8. Right to existing terms of service where they are more liberal than those of the awards of this Tribunal.

9. Should banks be classified into different categories for the purposes of this adjudication and if so, on what lines ?

10. Categories of workmen to whom the award of the Tribunal is applicable.

11. In what manner and to what extent do the decisions of the Tribunal require modification in the case of workmen of banks under moratorium.

12. Rules for fitting the existing staff into the revised scales of pay.

13. Provident fund, including the rate of contribution and the rate of interest.

14. Gratuity, including whether it should be compulsory or ex-gratia. Does the scheme recommended by Shri B. B. Singh for the United Provinces in his award need revision ?

15. Pension, including the question whether any pension scheme should be introduced in banks having Provident Fund and/or gratuity Schemes.

16. Guarantee Fund.

17. Insurance against old age, sickness, death or injury from accident in the course of the discharge of duties.

18. Leave Rules.

19. Hours of work and overtime.

20. Medical aid and expenses.

21. Cash deposits, fidelity bonds and other securities to be furnished by staff including the question :—

(a) whether failure to furnish such security should operate as a ban on confirmation, and

(b) whether the scheme of security and guarantee introduced by the Punjab National Bank, Ltd., is suitable.

22. Recognition of the All-India Bank Employees' Association and/or its constituent units.

23. Method recruitment, terms and conditions of service and procedure for termination of employment or for taking other disciplinary action.

24. Utilisation of proceeds from fines.

25. Whether head cashiers or treasurers' representatives or any workmen who perform their functions are to be treated as Department Incharges.

26. Waiving of age restrictions for promotion to supervisory grades.

27. Policy regarding transfer of staff.

28. Travelling allowance, conveyance allowance, halting allowance and joining time on transfer.

29. Whether cash compensation is payable to staff of branches situated in Pakistan who have had to come away to India and have not been employed in the branches in India.

30. Should bank pensioners be entitled to accept employment after retirement with or without the permission of the banks from which they draw their pensions ?

31. Absorption of Bharat Bank Employees in the Punjab National Bank, Ltd., and their service conditions.

32. Rules regarding promotions.

33. Works Committees. Should they be established or not ?

34. Standing orders regulating the conditions of service of staff and the procedure in making amendments to them.

[No. LR-100(4)/II.]

K. N. SUBRAMANIAN,
Joint Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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NOTIFICATION.

No. L.D. 192—Legis. 5-52-9, dated Bangalore, 19th April 1952.

Ordered that Notification No. S.R.O. 99, dated the 29th March 1952, of the Ministry of Defence amending the National Cadet Corps Rules (Girls' Division) published in the *Gazette of India*, Part II, Section 4, dated the 29th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF DEFENCE.

New Delhi, the 29th March 1952.

S.R.O. 99.—In exercise of the powers conferred by section 13 of the National Cadet Corps Act, 1948 (XXXI of 1948), the Central Government hereby directs that the following amendments shall be made in the National Cadet Corps Rules (Girls' Division), namely :—

In the said Rules—

1. In part I, in rule 3 for the words 'a girls college' the words 'any college' shall be substituted.

2. In Part III, after rule 20, the following rule shall be inserted, namely :—

"20-A. Notice of Leaving College.—Where an Officer of the Girls Division of the Corps desires to leave the College in which is located the unit to which she is posted under rule 20, she shall give six months' notice in writing of her intention to do so to the Principal of the College."

3. In Schedule I, in form II—

(*a*) In clause 2, for the words "what is your age" the words "what is your date of birth" shall be substituted.

(*b*) under section "C. Declaration of acceptance for appointment" after the first paragraph, the following paragraph shall be inserted, namely :—

"I undertake that in case after having been commissioned in the Corps, I desire to leave the College, in which is located the unit to which I am posted under rule 20, I shall give six months' notice in writing to the Principal of my College of my intention to leave the College."

4. In Schedule II—

(*a*) in paragraph 2(b) for the words, figures and brackets 'Class II (Special)' the words "Second Class" shall be substituted.

(*b*) in paragraph 3(b) for the words and figures 'Class II' the words 'Intermediate Class' shall be substituted.

[No. 0385/52/NCC.]

B. B. GHOSH, *Joint Secretary.*

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NOTIFICATION.

No. L.D. 193—Legis. 6-52-6, dated Bangalore, 19th April 1952.

Ordered that Notification No. S.R.O. 561, dated the 20th March 1952, of the Ministry of Health amending the Schedule to the Emblems and Names (Prevention of Improper Use) Act, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 29th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF HEALTH.

New Delhi, the 20th March 1952.

S.R.O. 561.—In exercise of the powers conferred by section 8 of the Emblems and Names (Prevention of Improper Use) Act, 1950 (XII of 1950), the Central Government hereby directs that after item 4 of the Schedule to the said Act, the following item shall be inserted, namely :—

"5. The emblems of the St. John Ambulance Association (India), and the St. John Ambulance Brigade (India), consisting of the device of a white eight pointed cross embellished in the four principal angles alternatively with a lion passant quadrant and a unicorn passant, whether or not the device is surrounded or accompanied by concentric circles or other decoration or by lettering."

[No. F. 28-58/51-MII.]

J. N. SAKSENA, *Under Secy.*

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NOTIFICATION.

No. L.D. 194—Legis. 5-52-10, dated Bangalore, 19th April 1952.

Ordered that Notification No. S.R.O. 578, dated 25th March 1952, of the Ministry of Works, Production and Supply amending the Indian Boiler Regulations, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 29th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF WORKS, PRODUCTION AND SUPPLY

CENTRAL BOILERS BOARD.

S.R.O 578.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board hereby directs that the following amendment shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

In regulation 281 of the said Regulations, the following sentence shall be added at the end, namely :—

"In the case of Electrode boilers referred to in Regulation 104(d), at least one means of indicating the water-level shall be provided."

[No. M/BL. 504(70)/51.]

N. P. DUBE,
Secy. Central Boilers Board.

NOTIFICATION.

No. L.D. 195—Legis. 5-52-11, dated Bangalore, 19th April 1952.

Ordered that Notification No. S.R.O. 577, dated the 25th March 1952, of the Ministry of Works, Production and Supply amending the Indian Boiler Regulations, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 29th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government. Law Department.

MINISTRY OF WORKS, PRODUCTION AND SUPPLY.

CENTRAL BOILERS BOARD.

New Delhi, the 25th March 1952.

S.R.O. 577.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1932 (V of 1932), the Central Boilers Board hereby directs that the following amendment shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

In regulation 108 of the said Regulations :—

(*a*) after "longitudinal seams" the words "of shell belts" shall be inserted,

(*b*) in the table annexed to the regulation under the heading "when diameter exceeds" for the figures '2'—'6" the fiugues '2½' shall be substituted ; and

(*c*) under the heading "When Working Pressure exceeds" for the letters "Lbs" the letters and word "Lbs./Sq. in" shall be substituted.

[No. M/BL-304 (73)/51.]

N. P. DUBE,

Secy., Central Boilers Board.

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NOTIFICATION.

No. L.D. 196—Legis. 5-52-12, dated Bangalore, 19th April 1952.

Ordered that Notification No. S.R.O. 567, dated the 25th March 1952, of the Ministry of Communications amending the Indian Post Office Rules 1933, published in the *Gazette of India*, Part II, Section 3, dated the 29th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMUNICATIONS.

POSTS AND TELEGRAPHS.

New Delhi, the 25th March 1952.

S.R.O. 567.—In exercise of the powers conferred by sub-section (2) and (3) of section 16 of the Indian Post Office Act, 1898 (VI of 1898), the Central Government hereby directs that the following further amendment shall be made in the Indian Post Office Rules, 1933, namely:—

After rule 194 of the said Rules, the following rule shall be inserted, namely:—

"194-A. (1) No person shall sell or distribute postage stamps or deal in any other manner in postage stamps except under and in accordance with the terms and conditions of a licence issued by the Central Government or by such officer or authority as the Central Government may authorise in this behalf.

(2) Whoever contravenes the provisions of sub-rule (1) or any term or condition of a licence issued thereunder shall be punishable with fine which may extend to fifty rupees.

(3) Nothing in this rule shall apply in respect of sale of postage stamps by:—

(*a*) any Post Office

(*b*) any official of the Post Office while on duty

(*c*) any philatelic agency.

(*d*) any hospital, sanatorium or similar other institution.

(*e*) any institute for the recreation of sailors, soldiers or airmen.

(*f*) such other person or at such other place as the Central Government may, by notification in the official Gazette specify."

[No. C-40-97/50.]

K. V. VENKATACHALAM, *Dy. Secy.*

NOTIFICATION.

No. L.D. 197—Legis. 5-52-13, dated Bangalore, 19th April 1952.

Ordered that Notification No. S.R.O. 565, dated the 19th March 1952, of the Ministry of Rehabilitation amending the Permit System Rules 1949, published in the *Gazette of India*, Part II, Section 3, dated the 29th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF REHABILITATION.

New Delhi, the 19th March 1952.

S.R.O. 565.—In exercise of the powers conferred by section 4 of the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949), the Central Government hereby directs that the following amendments shall be made in the Permit System Rules, 1949, namely :—

Amendments.

In the said Rules,—

(*a*) in the note below rule 9—

(i) after the words 'abducted persons' the words 'or in the case of witnesses before any tribunal constituted under section 6 of the Abducted Persons (Recovery and Restoration) Act, 1949 (LXV of 1949), who, enter Punjab on the strength of any such permit' shall be inserted;

(ii) after the word 'guides' where it occurs for the second time, the words 'and witnesses' shall be inserted; and

(*b*) in the Explanation to rule 20 and rule 26, after the words 'abducted persons' the words 'and witnesses who come to the Punjab for giving evidence before any tribunal constituted under section 6 of the Abducted Persons (Recovery and Restoration) Act, 1949 (LXV of 1949)' shall be inserted.

[No. PMT/X-95/52(1)]

V. D. DANTYAGI, *Joint Secy.*

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NOTIFICATION.

No. L.S. 295—L.W. 19-52-2, dated Bangalore, the 19th April 1952.

Whereas His Highness the Maharaja of Mysore is of opinion that an Industrial dispute exists between the workers and the Management of the Mysore Sugar Company, Limited, Mandya, in respect of the points of dispute specified below;

And whereas His Highness the Maharaja of Mysore considers it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore is hereby pleased to refer the said dispute for adjudication to the Second Industrial Tribunal constituted in Government Notification No. L.S. 5330—L.W. 330-51-4, dated 28th March 1952.

POINTS OF DISPUTE.

(1) Making no distinction between the Factory Workers and Farm Workers in regard to payment of Dearness Allowance, working hours, wages, etc.

(2) Reducing the period prescribed for earning increments from 250 to 200 days in a year.

(3) Taking steps to construct a Labour Colony, half the rent for the quarters being paid by the Company, and appointing a Committee to examine the house-rent question.

(4) Revising the compulsory attendance required during shut down period as well as during working period for the payment of full Dearness allowance.

(5) Payment of bonus and increment accrued after the strike of 1948-49 to those, who have not been paid yet.

(6) Providing jobs to temporary workers who were played off during the shut-down period.

(7) Filling vacant higher places in the Company according to service and payment of bonus and wages at the rates admissible to the higher grade for the period of work in the higher grade.

(8) Confirmation of the employees of the Company after the completion of one year's service.

(9) Filling the existing vacancies in the different sections of the Company according to seniority.

(10) Payment of Provident Fund contributions with Company's share to workers who have put in more than three years of continuous service and who leave the services for private reasons.

(11) Provident Fund subscription to be deducted from the wages of workers from the date of their confirmation.

(12) Effecting transfers of employees from one section to another only after prior consultation with the Labour Association.

(13) Payment of full wages to the employee who sustains injuries in the course of employment during the period of disability and payment of their medical charges by the Company.

(14) Providing medical facilities to the employees at the expense of the Company.

(15) Workers who have T.B. complaints to be given medical treatment at the expense of the Company and also to be paid full wages during the period of treatment and till complete recovery.

(16) Provident Fund contribution by the workers and Management should be fixed at Re. 0-1-4 per rupee of the wages of the employees including Dearness allowance.

(17) Stopping further recruitment of workers.

(18) Constituting a Works Committee and prescribing conditions of service with the prior approval of the Labour Association.

(19) Increasing Dearness allowance to not less than Rs. 45 with effect from July 1951 on account of the rise in the cost of living.

(20) Payment of three months bonus to all the employees of the Company without distinction.

(21) Reversion of four junior employees who have been promoted to higher grade, overlooking the claims of senior employees in other sections or giving them the same grade pay as that of the affected persons.

(22) Reinstatement of Nazi Muthu Pillai, Token No. 930, who was working in Mathigere Farm, and who was retired before his 55th year and payment of his salary during the period he was without employment.

(23) Reinstatement of one Dodda Madiah, Token No. 926 of Borapur Farm, whose services have been dispensed with.

(24) Payment of Wages etc., to employees who attend conciliation proceedings as representatives of the Labour Association.

(25) Reinstatement of Kaliah, Token No. 797 of the Electrical Section, whose services have been dispensed with and payment of full wages till the date of reinstatement.

(26) Taking back to service one Manchiah, Token No. 1121 of Electrical Section, cancelling the suspension order.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.S. 800—L.W. 19-52-3, dated Bangalore, 19th April 1952.

Whereas His Highness the Maharaja of Mysore is of opinion that an Industrial Dispute exists between Management and Workers of the Mysore Sugar Co., Ltd., Mandya, in respect of the points of dispute specified below;

And whereas His Highness the Maharaja of Mysore considers it desirable to refer the dispute for adjudication;

Now therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore is hereby pleased to refer the said dispute for adjudication to the Second Industrial Tribunal constituted in Government Notification No. L.S. 5330—L.W. 3330-51-4, dated the 28th March 1952.

POINTS OF DISPUTE.

(1) Stopping all deductions on behalf of the Employees Association in the wage Rolls with a view to avoiding causing confusion in the accounts of the company.

(2) Reducing the present scale of Dearness Allowance by Rs. 3 in view of the fall in price of commodities.

(3) Playing off all the female labourers on the rolls of the Factory proper.

(4) Stopping food subsidy and selling food grains at control rates to the employees.

(5) Increasing the rate of rent that is being charged to the residential employees by 30 per cent over the present rate.

(6) Stopping free supply of electric power to residential employees.

(7) Introducing the system of weekly offs to workers with immediate effect, in accordance with the provisions of law.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.S. 310—L.W. 15-52-5, dated Bangalore, 21st April 1952.

Whereas His Highness the Maharaja of Mysore is of opinion that an Industrial dispute exists between the Management and Workers of the Mysore Spinning and Manufacturing Co., Ltd., Bangalore, in respect of the matters specified in the schedule below;

And whereas His Highness the Maharaja of Mysore considers it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (*c*) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore is hereby pleased to refer the said dispute for adjudication to the Industrial Tribunal constituted in Notification No. L.S 5330—L.W. 330-51-4, dated the 28th March 1952.

SCHEDULE.

(1) Rendering 9 (nine) workers surplus by introducing certain changes in the machinery in the B ow-room, so that one man wi l mind two machines and paying the worker an addition of 1/3 the wages on the basic wages drawn by him when he was minding one machine.

(2) Rendering 6 (six) workers surplus on the arrival of a new machine of bigger capacity for use as Thread Extractor, and paying the workers only the present wage rate.

(3) Rendering 3 (three) workers surplus on the arrival of a Roving End Opener machine of a larger capacity and continuing to pay workers at the present wage rate.

(4) Rendering 8 (eight) persons surplus by introducing a system of one card tenter to mind 12 cards and continuing to pay the workers at the present wage rate.

(5) Rendering 27 (twenty-seven) persons surplus by introducing a system of two men to mind 3 heads of draw frame and continuing to pay workers at the present wage rate.

(6) Rendering 4 (four) persons surplus by a change in the system of working in Intermediate Frames requiring one man to mind two machines and paying the workers piece work rates at 2/3 the piece work rates applicable to the system of one man minding one machine.

(7) Rendering 30 (thirty) workers surplus by introducing a system of working two roving frames by one tenter working in finer than 2.2. hank and paying the workers at 2/3 the piece work rates applicable to the system of one man minding one machine.

(8) Rendering 178 persons surplus (of which 103 will be women) in the Spinning Department by introducing a new system of working and paying workers working on 18 to 60 counts increase on their present basic wage ranging from 1/3 to 3/4 of their basic wage.

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(9) Rendering 11 (eleven) Jobbers surplus by introducing a system under which the occupation of doffing jobbers will be abolished and altering the wages of side jobbers suitably.

(10) Rendering 10 (ten) roving doffer boys surplus by introducing a change in the system of working of bobbin carriers, with no change in wage rates.

(11) Rendering 8 (eight) winding coolies surplus by introducing a change in their system of working, with no change in wage rates.

(12) Rendering 129 (one hundred and twenty-nine) reelers surplus by introducing a system of one reeler per power reel and paying workers at 2/3 of the piece rates applicable to the two reelers per reel system.

(13) Rendering 8 (eight) persons surplus by reducing the number of knotters and weighers to 18 and 6 respectively, with no change in wage rates.

(14) Rendering 8 (eight) persons surplus by abolishing the night shift at the Baling press on the arrival of the electrical Baling press, with no change in wage rates.

(15) Rendering 41 (forty-one) winders surplus and retrenching them, if necessary, by introducing a system by which winders should mind spindles depending upon the number of counts and amending the Universal winding rates accordingly.

(16) The number of workers rendered surplus will depend upon the changes actually introduced and will be retrenched as and when rendered surplus and the workers (continuing) enjoying the benefit of the new system.

(17) To make payment of gratuity only at the time when the worker leaves the service of the Mills and discontinuing the system of proportionate payment of gratuity when the worker leaves the service of the Mills before the completion of ten years.

(18) To discontinue the present system of payment of Maternity Benefit and to pay the same calculated according to the provisions of the Maternity Benefit Act.

(19) Discontinuance of the system of payment of half-yearly bonus.

(20) Discontinuing the present system of payment of over-time wages in respect of work done on Sundays and to make over-time payments according to the provisions of the Factories Act.

(21) Retiring workers over 55 years of age by paying them 26 days wages in lieu of notice under the Standing Orders.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-B.

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

No. L.D. 215—Legis. 10-52-1, dated Bangalore, 25th April 1952.

Ordered that the Code of Civil Procedure (Mysore Amendment) Act, 1952, which received the assent of the President, on the 16th day of April 1952, be published as Mysore Act No. XIV of 1952, in the *Mysore Gazette* for general information.

MYSORE ACT No. XIV OF 1952.

THE CODE OF CIVIL PROCEDURE (MYSORE AMENDMENT) ACT, 1952.

Received the assent of the President on the Sixteenth day of April 1952.

An Act to amend the Code of Civil Procedure, 1908, in its application to the State of Mysore.

WHEREAS it is expedient to amend the Code of Civil Procedure, 1908, in its application to the State of Mysore, for the purpose hereinafter appearing; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Code of Civil Procedure (Mysore Amendment) Act, 1952. Short title, extent and commencement.

(2) It extends to the whole of the State of Mysore.

(3) It shall be deemed to have come into force on the first day of April, 1951.

2. In the proviso to sub-section (1) of section 60 of the Code of Civil Procedure, 1908, after clause (*p*) the following clause shall be added, namely :— Amendment of section 60 of Central Act V of 1908.

"(*pp*) where the judgment-debtor is a servant of the State Government who has insured his life under

the rules in force relating to the Official Branch of the Mysore Government Life Insurance Department,—

(1) in the case of insurance effected prior to the ninth day of May, 1911, the whole of the bonus payable or paid thereunder to such servant, or in the event of his death to his nominee or other person or persons entitled to such bonus under the said rules; and

(2) in the case of insurance effected on or after the ninth day of May, 1911, and such insurance is compulsory, then the bonus in respect of the compulsory premia payable or paid to such servant, or in the event of his death to his nominee or other person or persons entitled to such bonus under the said rules."

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

Order No. L.D. 216—Legis. 43-51-2, dated Bangalore, 25th April 1952.

Ordered that the Payment of Wages (Mysore Amendment) Act, 1952, which received the assent of the President, on the 15th day of April 1952, be published as Mysore Act No. XV of 1952, in the *Mysore Gazette* for general information.

MYSORE ACT No. XV OF 1952.

THE PAYMENT OF WAGES (MYSORE AMENDMENT) ACT, 1952.

Received the assent of the President on the Fifteenth day of April 1952.

An Act to amend the Payment of Wages Act, 1936, in its application to the State of Mysore.

WHEREAS it is expedient to amend the Payment of Wages Act, 1936 (Central Act IV of 1936), in its application to the State of Mysore; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Payment of Wages (Mysore Amendment) Act, 1952. Short title and commencement.

(2) It shall come into force at once.

2. In section 7 of the Payment of Wages Act, 1936, (hereinafter referred to as the said Act),— Amendment of section 7 of Central Act IV of 1936.

(*a*) in sub-section (2), after clause (*k*) the following clauses shall be added, namely :—

"(*l*) deductions to recover from a person re-employed after the termination of his former employment any amount paid to him from a provident fund or as a gratuity on such termination;

"(*m*) deductions specially authorised by the State Government for a purpose beneficial to the employed person."

(*b*) after sub-section (2), the following sub-sections shall be added, namely :—

"(3) Where the wages for any employment are on an incremental basis, the increments of any employed person may for disciplinary reasons be withheld or his wages may for like reasons be reduced to a lower stage in the scale, provided that in the latter case he shall be given such period of notice for such reduction as is not less than the period of notice required to be given to him under his contract of employment for the termination of his employment.

(4) Where an employed person is required to perform a class of employment involving a standard of skill or responsibility lower than that involved in the employment in which he is employed for the time being, any diminution in wages by reason of such lower standard of skill or responsibility shall be deemed not to be deducted from wages for the purposes of this Act.

(5) The provisions of sub-sections (1), (2) and (3) of section 8 shall apply to any withholding of increment or reduction referred to in sub-section (3) and where any action such as is referred to in sub-section (4), is taken for disciplinary reasons, to such action, as they apply to the imposition of fines.

Amendment of section 13 of Central Act IV of 1936.

3. In section 13 of the said Act, for the words, letters and brackets, "under clause (*j*) and clause (*k*)", the words, letters and brackets, "under clause (*j*), clause (*k*), clause (*l*) and clause (*m*)" shall be substituted, and for the marginal note, the words "Other deductions" shall be substituted.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATIONS.

No. L. 1170—C.M. 27-52-4, dated Bangalore, 21st April 1952.

In pursuance of clause (a) of Section 366 of the City of Bangalore Municipal Corporation Act, 1949, (Mysore Act No. LXIX of 1949) the draft of the following rule prescribing the reports to be submitted to Government by the Corporation which it is proposed to issue under Sections 42, 43, read with Section 365 of the said Act is hereby published:—

Rule.

The Corporation shall submit to Government the following reports and returns, *viz.*—

1. Reports of embezzlement of Corporation money immediately after discovery.
2. Quarterly statement of Demand, Collection and Balance of assessed and other taxes.
3. Quarterly statement of posts created on salaries below Rs. 100 per mensem.
4. Annual Inspection Report of the Corporation Offices by the Commissioner.
5. Confidential report on the work of officers whose maximum salary exceeds Rs. 250 per mensem.
6. Quarterly statement of estimates exceeding Rs. 10,000 sanctioned by the Corporation and Standing Committees.
7. Quarterly statement of contributions due to Government Departments and amount paid.
8. Quarterly statement of advances and loans due to Government and amount paid.
9. Quarterly statement of contributions due to Corporation from several Departments of Government and amount received.
10. Half-yearly statement of allowances and advance increments sanctioned by the Corporation showing the salary of the employees prior to and after sanction of such allowances and advance increments.
11. Annual Administration Report
12. Budget estimates.

The quarterly and half-yearly statements shall be submitted to Government within 30 days from the close of the quarter or half-year to which they relate.

The Administration report shall be submitted to Government before the 5th of July of each year.

By Order of His Highness the Maharaja,

No. L. 1914—C.M. 34-52-2, dated Bangalore, 26th April 1952.

In exercise of the powers conferred by Section 8 (1) of the Mysore Amusements Tax Act, 1932 (Mysore Act VIII of 1932), His Highness the Maharaja of Mysore is pleased to exempt from liability to entertainments tax the benefit show on Sunday the 27th April 1952 in aid of Post and Telegraphs Workers Educational and Welfare Council, Bangalore.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

No. L. S. 396—L.W. 29-51-40, dated Bangalore, 25th April 1952.

In exercise of the powers conferred by sub-section (2) of section 4 of the Minimum Wages Act, 1948 (XI of 1948), His Highness the Maharaja of Mysore is pleased to direct the insertion of the following note at the end of the schedule to each of the Government Notifications indicated in the margin fixing

(1) No. L.S. 5259—L.W. 29-51-28, dated 25th March 1952
Rice Mill, Flour Mill or Dhall Mill.

(2) No. L. S. 5263—L.W. 29-51-29, dated 25th March 1952
Oil Mill.

(3) No. L. S. 5267—L.W. 29-51-30, dated 25th March 1952
Tanneries and Leather Manufactory.

(4) No. L. S. 5275—L.W. 29 51-32, dated 25th March 1952
Road Construction or Building Operations.

(5) No. L. S. 5279—L.W. 29 51-33, dated 25th March 1952
Stone Crushing and Stone Breaking.

(6) No. L. S. 5313—L.W. 29-51-34, dated 27th March 1952
Local Authority—Scavengers and Sweepers.

(7) No. L. S. 5317—L.W. 29-51-35, dated 27th March 1952
Public Motor Transport.

(8) No. L. S. 5321—L W. 29-51-36, dated 27th March 1952
Tobacco (including Beedi) Manufactory.

minimum rates of wages in the employments noted against them.

NOTE.

I. For purposes of computing cost of living allowance the cost of Living Index figures will be taken into consideration as noted below :—

(i) The cost of Living Index Figures for Bangalore City will be taken for Bangalore District.

(ii) The cost of Living Index Figures for Kolar Gold Fields will be taken for Kolar, Tumkur and Chitaldrug Districts.

(iii) The Cost of Living Index Figures for Mysore City will be taken for Mysore, Mandya, Shimoga, Hassan and Chikmagalur Districts.

II. A re-allocation in the application of the cost of Living Index Figures to the various Districts of the State shall be made as soon as the cost of Living Index figures are published regularly each month in the *Mysore Gazette* for additional places, *viz.*, Bhadravathi, Davangere, Harihar, Hassan and Mandya.

By Order of His Highness the Maharaja,

No. E.B. 1014—Eln. 17-50-10, dated Bangalore, 26th April 1952.

In exercise of the powers conferred by clause (*b*) of Rule 2 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1950 and in supersession of Notification No. E. B. 1266—Eln. 17-50-4, dated the 25th June 1951, His Highness the Maharaja of Mysore is pleased to appoint the Legal Remembrancer and Secretary to Government, Law Department, to perform the functions of the Chief Electoral Officer for the State of Mysore under the said rules, with effect from 21st April 1952.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

No. C. 61—Co. 3-52-2, dated Bangalore, 22nd April 1952.

In exercise of the powers conferred by Rule 81(2) of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947, (Mysore Act No. XX of 1947), His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made to the Mysore Manure Dealers' Licensing Order, 1947 and to direct with reference to sub-rule (1) of Rule 119 of the said rules that notice of the amendment shall be given by publication of the same in the *Mysore Gazette* and by issue of a press note :—

In clause 10 of the said Order, after the words "No manure", the words "other than bones" shall be inserted.

By Order of His Highness the Maharaja,

No. C. 69—Co. 4-52-2, dated Bangalore, the 24th April 1952.

In exercise of the powers conferred by Section 3 and clause (a) sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950, (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the schedule to Notification No. C. 3130—Co., dated the 3rd October 1949 namely :—

(1) In respect of the drugs in the said schedule specified in column 1 hereunder which are manufactured by Messrs. Merck & Co., Inc., U. S. A., Messrs. Merck & Co., Ltd., Canada, Lederle Laboratories (India), Ltd., Bombay, Burroughs Wellcome & Co., and Eli Lilly and Company of India Inc., for the prices specified in column 2 of the said schedule the prices specified in column 2 hereunder shall be substituted.

MESSRS. MERCK & CO., INC., U.S.A.

	Rs.	a.	p.
Solution of Dihydrostreptomycin sulphate—1 gram vials	4	0	0
Dihydrostreptomycin—1 gram vial ...	4	0	0

MESSRS. MERCK & CO., LTD., CANADA.

Dihydrostreptomycin—1 gram vial ..	4	0	0

LEDERLE LABORATORIES (INDIA), LTD., BOMBAY

	Rs.	a.	p.
Ledercillin Troches.—			
Brand of crystalline procaine, penicillin G (c), 5,000 units per troche —25	4	4	0

BURROUGHS WELLCOME & CO.,

Quinine.—			
'Tabloid' Quinine Dihydrochlor gr. 2–25 ...	2	0	0
Do do 100 ...	6	3	0
Do do gr. 5–25 ...	13	14	0
Do do 100 ...	12	13	0
'Wellcome' Injection of Quinine Dinydrochlor Gr. 5–12	4	11	0
'Wellcome' Injection of Quinine Dihydrochlor Gr. 10–12	6	0	0

ELI LILLY AND COMPANY OF INDIA, INC.

Dihydrostreptomycin Sulfate, 20 —cc. rubber stoppered ampoules — per ampoule ...	4	0	0
'Duracillin Fortified' (Procaine Penicillin —G) and Penicillin—G, Crystalline— Sodium Lilly) Buffered, for aqueous injection, 400,000 units in 1—dose, rubber-stoppered ampoules — per ampoule ...	4	15	0
Ampoules 'Duracillin Fortified' (Procaine Penicillin—G, and Penicillin—G, Crystalline —Sodium, Lilly), buffered, for Aqueous Injection 400,000 units—per 100 ...	468	12	0
Penicillin—G, Crystalline —Potassium, 20 c.c. rubber —stoppered ampoules, 1,000,000 units per ampoule	4	0	0
Hepicebrin' (Vitamins A, B1, B2, C and D Lilly) Gelseals per 25	4	11	0
per 1,000	148	5	0

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,

Secretary to Government,

Food and Agriculture Departments.

No. S.D. 469—C. 36-51-222, dated Bangalore, the 25th April 1952.

Corrigenda.

Notification No. S.D. 100106, dated 27th March 1952, published without proper authority in Part IV, Page 132 of the *Mysore Gazette*, dated 3rd April, 1952, is hereby cancelled.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,

Food and Agriculture Departments.

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(PUBLISHED BY AUTHORITY)

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PART IV.

Section 1-A.

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON

NOTIFICATION.

No. L.D. 1570—Legis. 3-51-39, dated Bangalore, 20th November 1951.

Ordered that the report of the Select Committee on the Notaries Bill, 1951 (Central Bill No. 42 of 1951), published in the *Gazette of India*, Part II, Section 3, dated the 20th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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(As amended by the Select Committee)

(Words sidelined or underlined indicate the amendments suggested by the Committee; asterisks indicate omissions.)

Bill No. 42 of 1951

A Bill to regulate the profession of notaries.

Be it enacted by Parliament as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Notaries Act, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) "instrument" includes every document by which any right or liability is, or purports to be, created, transferred, limited, extended, extinguished or recorded;

(*b*) "legal practitioner" means an advocate, vakil or attorney of the Supreme Court or of any High Court, or a pleader practising in any subordinate civil court;

(*c*) "notary" means a person appointed as such under this Act:

Provided that for a period of one year from the commencement of this Act it includes also a person who, before such commencement, was appointed a notary public either under the Negotiable Instruments Act, 1881 (XXVI of 1881), or by the Master of Faculties in England, and is, immediately before such commencement, in practice in any part of the territories to which this Act extends;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "Register" means a Register of Notaries maintained by the Government under section 4;

(*f*) "State Government" in relation to a Part C State means the Chief Commissioner.

3. *Power to appoint notaries.*—The Central Government, for the whole or any part of the territories to which this Act extends, and any State Government, for the whole or any part of the State, may, on such conditions, if any, as it thinks fit, appoint as notaries any legal practitioners or other persons who, in its opinion, are duly qualified to discharge the functions of a notary under this Act.

4. *Registers.*—(1) The Central Government and every State Government shall maintain, in such form as may be prescribed, a Register of the notaries appointed by that Government and entitled to practise as such under this Act.

(2) Every such Register shall include the following particulars about every notary whose name is entered therein, namely :—

(*a*) his full name, date of birth, residential and professional address;

(*b*) the date on which his name is entered in the Register;

(*c*) his qualifications; and

(*d*) any other particulars which may be prescribed.

5. *Entry of names in the Register and issue or renewal of certificates of practice.*—(1) Every notary who intends to practise as such shall, on application to the Government appointing him and payment of the prescribed fee, if any, be netitled—

(*a*) to have his name entered in the Register maintained by that Government under section 4, and

(*b*) to a certificate authorising him to practise for a period of three years from the date on which the certificate is issued to him.

(2) Every such notary who wishes to continue to practise after the expiry of the period for which his certificate of practice has been issued under this section shall on application made to the Government appointing him and payment of the prescribed fee, if any, be entitled to have his certificate of practice renewed for three years at a time.

6. *Annual publication of lists of notaries.*—The Central Government and every State Government shall, during the month of January each year, publish in the Official Gazette a list of notaries appointed by that Government and in practice at the beginning of that year together with such details pertaining to them as may be prescribed.

7. *Seal of notaries.*—Every notary shall have and use, as occasion may arise, a seal of such form and design as may be prescribed.

8. *Functions of notaries.*—(1) A notary may do all or any of the following acts by virtue of his office namely :—

(*a*) verify, authenticate, certify or attest the execution of any instrument ;

(*b*) present any promissory note, hundi or bill of exchange for acceptance or payment ;

(*c*) note or protest the dishonour by non-acceptance or non-payment of any promissory note, hundi or bill of exchange or protest for better security or prepare acts of honour under the Negotiable Instruments Act, 1881 XXVI of 1881) or serve notice of such note or protest ;

(*d*) note and draw up ship's protest, boat's protest or protest relating to demurrage and other commercial matters ;

(*e*) administer oath to, take affidavit from, any person ;

(*f*) prepare bottomry and respondentia bonds, charter parties and other mercantile documents ;

* * * * *

(*g*) prepare, attest or authenticate any instrument intended to take effect in any country or place outside the territories to which this Act extends in such form and language as may conform to the law of the place where such deed is intended to operate ;

(*h*) translate, and verify the translation of, any document from one language into another ;

(*i*) any other act which may be prescribed :

Provided that no notary shall do any act which he is not, under the terms of his appointment, authorised to do.

(2) No act specified in sub-section (1) shall be deemed to be a notarial act except when it is done by a notary under his signature and official seal.

9. *Bar of practice without certificate.*—(1) Subject to the provisions of this section, no person shall practise as a notary or do any notarial act under the official seal of a notary unless he holds a certificate of practice in force issued to him under section 5 :

Provided that the presentation of any promissory note, hundi or bill of exchange for acceptance or payment by the clerk of a notary shall not be deemed to be a notarial act within the meaning of this sub-section.

(2) Nothing contained in sub-section (1) shall, until the expiry of one year from the commencement of this Act, apply to any such person as is referred to in the proviso to clause (*c*) of section 2.

10. *Removal of names from Register.*—The Government appointing any notary may, by order, remove from the Register maintained by it under section 4 the name of the notary if he—

(*a*) makes a request to that effect ; or

(*b*) has not paid any prescribed fee required to be paid by him ; or

(*c*) is an undischarged insolvent ; or

(*d*) has been found, upon inquiry in the prescribed manner, to be guilty of such professional or other misconduct as, in the opinion of the Government, renders him unfit to practise as a notary.

11. *Construction of references to notaries public in other laws.*—Any reference to a notary public in any other law shall be construed as a reference to a notary entitled to pract se under this Act.

12. *Penalty for falsely representing to be a notary, etc.*—Any person who—

(*a*) falsely represents that he is a notary without being appointed as such, or

(*b*) practises as a notary or does any notarial act in contravention of section 9,

shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

13. *Cognizance of offence.*—(1) No court shall take cognizance of any offence committed by a notary in the exercise or purported exercise of his functions under this Act save upon complaint in writing made by an officer authorised by the Central Government or a State Government by general or special order in this behalf.

(2) No magistrate other than a presidency magistrate or a magistrate of the first class shall try an offence punishable under this Act.

14. *Reciprocal arrangements for recognition of notarial acts done by foreign notaries.*—If the Central Government is satisfied that by the law or practice of any country or place outside the territories to which this Act extends, the notarial acts done by notaries within those territories are recognised for all or any limited purposes in that country or place, the Central Government, may by notification in the Official Gazette, declare that the notarial acts lawfully done by notaries within such country or place shall be recognised within the said territories for all purposes or, as the case may be, for such limited purposes as may be specified in the notification.

15. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the form and manner in which applications for appointment as a notary may be made and the disposal of such applications ;

(*b*) the certificates, testimonials or proofs as to character, integrity, ability and competence which any person applying for appointment as a notary may be required to furnish ;

(*c*) the fees payable for appointment as a notary and for the issue and renewal of a certificate of practice, and exemption from such fees in specified classes of cases ;

(*d*) the fees payable to a notary for doing any notarial act ;

(*e*) the form of Registers and the particulars to be entered therein ;

(*f*) the form and design of the seal of a notary ;

(*g*) the manner in which inquiries into allegations of professional or other misconduct of notaries may be made ;

(*h*) the acts which a notary may do in addition to those specified in section 8 and the manner in which a notary may perform his functions ;

(*i*) any other matter which has to be, or may be, prescribed.

16. *Repeal.*—Chapter XVII of the Negotiable Instruments Act, 1881 (XXVI of 1881), is hereby repealed.

M. N. KAUL,
Secretary.

NOTIFICATION.

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No. L.D. 1520—Legis. 3-51-37, dated Bangalore, 12th November 1951.

Ordered that the Report of the Select Committee on the Plantations Labour Bill, 1951 (Central Bill No. 59 of 1951), published in the *Gazette of India*, Part II, Section 2, dated the 13th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

(As amended by the Select Committee)

(Words sidelined or underlined indicate the amendments suggested by the Committee : asterisks indicate omissions.)

Bill No. 59 of 1951

A Bill to provide for the welfare of labour, and to regulate the condition of work, in plantations.

Be it enacted by Parliament as follows :—

CHAPTER I

Preliminary

1. *Short title, extent, commencement and application.*—(1) This Act may be called the Plantations Labour Act, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4) It applies in the first instance to all tea, coffee, rubber and cinchona plantations, but any State Government may, subject to the previous approval of the Central Government, by notification in the Official Gazette, apply it to any other class of plantations within that State.

2. *Definitions.*—In this Act, unless the context otherwise requires.—

(*a*) "adolescent" means a person who has completed his fifteenth year but has not completed his eighteenth year ;

(*b*) "adult" means a person who has completed eighteenth year ;

(*c*) "child" means a person who has not completed his fifteenth year ;

(*d*) "day" means a period of twenty-four hours beginning at midnight ;

(*e*) "employer", when used in relation to a plantation, means the person who has the ultimate control over the affairs of the plantation, and where the affairs of any plantation are entrusted to any other person (whether called a managing agent, manager, superintendent or by any other name) such other person, shall be deemed to be the employer in relation to that plantation ;

(*f*) "plantation" means any land used or intended to be used for growing tea, coffee, rubber, or cinchona which admeasures twenty-five acres or more and whereon thirty or more persons are employed, or were employed on any day of the proceeding twelve months, and in any State where the provisions of this Act have been applied by notification under sub-section (4) of section 1 to any other class of plantations, means also any land used or intended to be used for growing the plant mentioned in such notification and whereon thirty or more persons are employed, or were employed on any day of the preceding twelve months ;

(*g*) "prescribed" means prescribed by rules made under this Act.

(*h*) "qualified medical practitioner" means a person having a certificate granted by an authority specified in the Schedule to the Indian Medical Degrees Act, (VII of 1916) or in the Schedules to the Indian Medical Council Act, 1933 (XXVII of 1933);

(*i*) "wages" has the meaning assigned to it in clause (h) of section 2 of the Minimum Wages Act, 1948 (XI of 1948) ;

(*j*) "week" means a period of seven days beginning at midnight on Saturday night or such other night as may be fixed by the State Government in relation to plantations in any area after such consultation as may be prescribed with reference to the plantations concerned in that area;

(*k*) "worker" means a person employed in a plantation for hire or reward, whether directly or through any agency, to do any work, skilled, unskilled, manual or clerical, but does not include—

(*a*) a medical officer at the plantation ;

(*b*) any person whose monthly wages exceed three hundred rupees; or

(*c*) a person employed in a plantation primarily in a managerial * * *: capacity notwithstanding that his monthly wages do not exceed rupees three hundred;

(*l*) "young person" means a person who is either a child or an adolescent.

3. *Reference to time of day.*—In this Act, references to time of day are references to Indian Standard time being five and a half hours ahead of Greenwich Mean time:

Provided that for any area in which the Indian Standard time is not ordinarily observed, the State Government may make rules—

(*a*) specifying the area ;

(*b*) defining the local mean time ordinarily observed therein ; and

(*c*) permitting such time to be observed in all or any of the plantations situated in that area.

CHAPTER II.

Inspecting Staff

4. *Chief Inspector and Inspectors.*—(1) The State Government may, by notification in the Official Gazette, appoint for the State a duly qualified person to be the chief inspector of plantations and so many duly qualified persons to be inspectors of plantations subordinate to the chief inspector as it thinks fit.

(2) Subject to such rules as may be made in this behalf by the State Government, the chief inspector may declare the local area or areas within which, or the plantations with respect to which, inspectors shall exercise their powers under this Act, and may himself exercise the powers of an inspector within such limits as may be assigned to him by the State Government.

(3) The Chief Inspector and all Inspectors shall be deemed to be public servants within the meaning of the Indian Penal Code (Act XLV of 1860).

5. *Powers and functions of inspectors.*—Subject to any rules made by the State Government in this behalf, an inspector may within the local limits for which he is appointed—

(*a*) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and of the rules made thereunder are being observed in the case of any plantation;

(*b*) with such assistants, if any, as he thinks fit, enter, inspect and examine any plantation or part thereof at any reasonable time for the purpose of carrying out the objects of this Act;

(*c*) examine the crops grown in any plantation or any worker employed therein or require the production of any register or other document maintained in pursuance of this Act, and take on the spot or otherwise statements of any person which he may consider necessary for carrying out the purposes of this Act ;

(*d*) exercise such other powers as may be prescribed :

Provided that no person shall be compelled under this section to answer any question or make any statement tending to incriminate himself.

6. *Facilities to be afforded to inspectors.*—Every employer shall afford the inspector all reasonable facilities for making any entry, inspection, examination or inquiry under this Act.

7. *Certifying surgeons.*—(1) The State Government may appoint qualified medical practitioners to be certifying surgeons for the purposes of this Act within such local limits or for such plantation or class of plantations as it may assign to them respectively.

(2) The certifying surgeon shall carry out such duties as may be prescribed in connection with—

(*a*) the examination and certification of workers;

(*b*) the exercise of such medical supervision as may be prescribed where adolescents and children are, or are to be, employed in any work in any plantation which is likely to cause injury to their health.

CHAPTER III

Provisions as to Health

8. *Drinking water.*—In every plantation effective arrangements shall be made by the employer to provide and maintain at convenient places in the plantation a sufficient supply of wholesome drinking water for all workers.

9. *Conservancy.*—(1) There shall be provided separately for males and females in every plantation a sufficient number of latrines and urinals of prescribed types so situated as to be convenient and accessible to workers employed therein;

(2) All latrines and urinals provided under sub-section (1) shall be maintained in a clean and sanitary condition.

10. *Medical facilities.*—(1) In every plantation there shall be provided and maintained so as to be readily available * * * such medicalfacilities for the workers as may be prescribed by the State Government.

(2) If in any plantation medical facilities are not provided and maintained as required by sub-section (1) the chief inspector may cause to be provided and maintained therein such medical facilities, and recover the cost thereof from the defaulting employer.

(3) For the purposes of such recovery the chief inspector may certify the costs to be recovered to the collector, who may recover the amount as an arrear of land revenue.

CHAPTER IV

Welfare

11. *Canteens.*—(1) The State Government may make rules requiring that in every plantation wherein one hundred and fifty workers are ordinarily employed, one or more canteens shall be provided and maintained by the employer for the use of the workers.

(2) Without prejudice to the generality of the foregoing power, such rules may provide—

(a) the date by which the canteen shall be provided;

(*b*) the number of canteens that shall be provided and the standards in respect of construction, accommodation, furniture and other equipment of the canteens;

(*c*) the food-stuffs which may be served therein and the charges which may be made therefor;

(*d*) the constitution of a managing committee for the canteen and the representation of the workers in the management of the canteen;

(*e*) the delegation to the chief inspector, subject to such conditions as may be prescribed, of the power to make rules under clause (*c*).

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12. *Creches.*—(1) In every plantation wherein more than fifty women workers are employed or were employed on any day of the preceding twelve months, there shall be provided and maintained by the employer suitable rooms for the use of children of such women who are below the age of six years.

(2) Such rooms shall—

(*a*) provide adequate accommodation;

(*b*) be adequately lighted and ventilated;

(*c*) be maintained in a clean and sanitary condition; and

(*d*) be under the charge of a woman trained in the care of children and infants.

(3) The State Government may make rules prescribing the location and the standards of such rooms in respect of their construction and accommodation and the equipment to be provided therein.

13. *Recreational facilities.*—The State Government may make rules requiring every employer to make provision in his plantation for such recreational facilities for the workers and children employed therin as may be prescribed.

14. *Educational facilities.*—Where the children between the ages of six and twelve of workers employed in any plantation exceed twenty-five in number, the State Government may make rules requiring every employer to provide educational facilities for the children in such manner and of such standard as may be prescribed.

15. *Housing facilities.*—It shall be the duty of every employer to provide and maintain for every worker and his family residing in the plantation necessary housing accommodation.

* * * * *

16 *Power to make rules relating to housing.*—The State Government may make rules for the purpose of giving effect to the provisions of section 15 and, in particular providing for—

(*a*) the standard and specification of the accommodation to be provided;

(*b*) the selection and preparation of sites for the construction of houses and the size of such plot;

(*c*) the constitution of advisory boards consisting of representatives of the State Government, the employer and the workers for consultation in regard to matters connected with housing and the exercise by them of such powers, functions and duties in relation thereto as may be specified;

(*d*) the fixing of rent, if any, for the housing accommodation provided for workers;

(*e*) the allotment to workers and their families of housing accommodation and of suitable strips of vacant land adjoining such accommodation for the purpose of maintaining kitchen gardens, the definition of what constitutes the family of a worker for the purposes of section 15, and for the eviction of workers and their families from such accommodation;

(*f*) access to the public to those parts of the plantation wherein the workers are housed.

17. *Other facilities.*—The State Government may make rules requiring that in every plantation the employer shall provide the workers with such number and type of umbrellas, blankets, rain coats or other like amenities for the protection of workers from rain or cold as may be prescribed.

18. *Welfare officers.*—(1) In every plantation wherein three hundred or more workers are ordinrily employed the employer shall employ such number of welfare officers as may be prescribed.

(2) The State Government may prescribe the duties, qualifications and conditions of service of officers employed under sub-section (1).

CHAPTER V. 94

HOURS AND LIMITATION OF EMPLOYMENT.

19. *Weekly hours.*—Save as otherwise expressly provided in this Act, no adult worker shall be required or allowed to work on any plantation in excess of fifty-four hours a week and no adolescent or child for more than forty hours a week.

20. *Weekly Holidays.*—(1) The State Government may by rules made in this behalf—

(*a*) provide for a day of rest in every period of seven days which shall be allowed to all workers;

(*b*) provide for payment for work done on a day of rest at a rate not less than the overtime rate prevailing in the area, and where there is no such rate at such rate as may be fixed by the State Government in this behalf.

(2) Notwithstanding anything contained in clause (*a*) of sub-section (1) where a worker is willing to work on any day of rest which is not a closed holiday in the plantation, nothing contained in this section shall prevent him from doing so:

Provided that in so doing a worker does not work for more than ten days consecutively without a holiday for a whole day intervening.

Explanation 1.—Where on any day a worker has been prevented from working in any plantation by reason of tempest, fire, rain or other natural causes, that day, may, if he so desires, be treated as his day of rest for the relevant period of seven days within the meaning of sub-section (1).

Explanation 2.—Nothing contained in this section shall apply to any worker whose total period of employment including any day spent on leave is less than six days.

21. *Daily intervals for rest.*—The period of work on each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest for at least half an hour.

22. *Spread over.*—The period of work of an adult worker in a plantation shall be so arranged that inclusive of his interval for rest under section 19 it shall not spread over more than twelve hours including the time spent in waiting for work on any day.

23. *Notice of period of work.*—(1) There shall be displayed and correctly maintained in every plantation a notice of periods of work in such form and manner as may be prescribed showing clearly for every day the periods during which the workers may be required to work.

(2) Subject to the other provisions contained in this Act, no worker shall be required or allowed to work in any plantation otherwise than in accordance with the notice of periods of work displayed in the plantation.

(3) An employer may refuse to employ a worker for any day if on that day he turns up for work more than half an hour after the time fixed for the commencement of the day's work.

24. *Prohibition of employment of young children.*—No child who has not completed his twelfth year shall be required or allowed to work in any plantation.

25. *Night work for women and children.*—Except with the permission of the State Government, no woman or child worker shall be employed in any plantation otherwise than between the hours of 6 A.M. and 7 P.M:

Provided that nothing in this section shall be deemed to apply to midwives and nurses employed as such in any plantation.

26. *Non-adult workers to carry tokens.*—No child who has completed his twelfth year and no adolescent shall be required or allowed to work in any plantation unless—

(*a*) a certificate of fitness granted with reference to him under section 27 is in the custody of the employer; and

(*b*) such child or adolescent carries with him while he is at work a token giving a reference to such certificate.

27. *Certificate of fitness.*—(1) A certifying surgeon shall, on the application of any young person or his parent or guardian accompanied by a document signed by the employer or any other person on his behalf that such person will be employed in the plantation if certified to be fit for work, or on the application of the employer or any other person on his behalf with reference to any young person intending to work, examine such person and ascertain his fitness for work either as a child or as an adolescent.

(2) A certificate of fitness granted under this section shall be valid for a period of twelve months from the date thereof, but may be renewed.

28. *Power to require medical examination.*—An inspector may, if he thinks necessary so to do, cause any young person employed in a plantation to be examined by a certifying surgeon.

CHAPTER VI.

Leave With Wages.

29. *Annual leave with wages.*—(1) Every worker shall be allowed leave with wages for a number of days calculated at the rate of—

(*a*) if an adult, *** one day for every twenty days of work performed by him, and

(*b*) if a young person, one day for every fifteen days of work performed by him:

Provided that a period of leave shall be inclusive of any holiday which may occur during such periods.

(2) If a worker does not in any one period of twelve months take the whole of the leave allowed to him under sub-section (1), any leave not taken by him shall be added to the leave to be allowed to him under that sub-section in the succeeding period of twelve months.

(3) A worker shall cease to earn any leave under this section when the earned leave due to him amounts to thirty days.

30. *Wages during leave period.*—(1) For the leave allowed to a worker under section 29 he shall be paid at the rate equal to the daily average of his total full-time wages, exclusive of any overtime earnings and bonus, if any, but inclusive of dearness allowance and the cash equivalent of any advantage accruing by the concessional supply by the employer of foodgrains for the day on which he worked.

(2) A worker who has been allowed leave for any period less than four days in the case of an adult and five days in the case of a young person under section 29 shall, before his leave begins be paid his wages for the period of the leave allowed.

31. *Sickness and maternity benefits.*—(1) Subject to any rules that may be made in this behalf, every worker shall be entitled to obtain from his employer—

(*a*) in the case of sickness certified by a qualified medical practioner, sickness allowance, and

(b) if a woman, in the case of confinement or expected confinement, maternity allowance,

at such rate, for such period and at such intervals as may be prescribed.

(2) The State Government may make rules regulating the payment of sickness or maternity allowance and any such rules may specify the circumstances in which such allowance shall not be payable or shall cease to be payable, and in framing any rules under this section the State Government shall have due regard to the medical facilities that may be provided by the employer in any plantation.

CHAPTER VII.

PENALTIES AND PROCEDURE.

32. *Obstruction.*—(1) Whoever obstructs an inspector in the discharge of his duties under this Act or refuses or wilfully neglects to afford the inspector any reasonable facility for making any inspection, examination or inquiry authorised by or under this Act in relation to any plantation, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(2) Whoever wilfully refuses to produce on the demand of an inspector any register or other document kept in pursuance of this Act, or prevents or attempts to prevent or does anything which he has reason to believe is likely to prevent any person from appearing before or being examined by an inspector acting in pursuance of his duties under this Act, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

33. *Use of false certificate of fitness.*—Whoever knowingly uses or attempts to use as a certificate of fitness granted to himself under section 27 a certificate granted to another person under that section, or having been granted a certificate of fitness to himself, knowingly allows it to be used, or allows an attempt to use it to be made by another person, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

34. *Contravention of provisions regarding employment of labour.*—Whoever, except as otherwise permitted by or under this Act, contravenes any provision of this Act or of any rules made thereunder, prohibiting, restricting or regulating the employment of persons in a plantation, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

35. *Other Offences.*—Whoever contravenes any of the provisions of this Act or of any rules made thereunder for which no other penalty is elsewhere provided by or under this Act shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

36. *Enhanced penalty after previous conviction.*—If any person who has been convicted of any offence punishable under this Act is again guilty of an offence involving a contravention of the same provision, he shall be punishable on a subsequent conviction with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both:

Provided that for the purposes of this section no cognizance shall be taken of any conviction made more than two years before the commission of the offence which is being punished.

37. *Exemption of employer from liability in certain cases.*—Where an employer charged with an offence under this Act, alleges that another person is the actual offender, he shall be entitled upon complaint made by him in this behalf to have on

giving to the prosecutor in this behalf three clear days' notice in writing of his intention so to do that other person brought before the court on the day appointed for the hearing of the case and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the court that—

(*a*) he has used due diligence to enforce the execution of the relevant provisions of this Act; and

(*b*) that the other person committed the offence in question without his knowledge, consent or connivance;

the said other person shall be convicted of the offence and shall be liable to the like punishment as if he were the employer and the employer shall be acquitted:

Provided that—

(*a*) the employer may be examined on oath and his evidence and that of any witness whom he calls in his support shall be subject to cross examination on behalf of the person he charges to be the actual offender and by the prosecutor, and

(*b*) if, in spite of due diligence, the person alleged as the actual offender cannot be brought before the court on the day appointed for the hearing of the case, the court shall adjourn the hearing thereof from time to time so, however, that the total period of such adjournment does not exceed three months, and if, by the end of the said period, the person alleged as the actual offender cannot still be brought before the court, the court shall proceed to hear the case against the employer.

38. *Cognizance of offences.*—No court shall take cognizance of any offence under this Act except on complaint made by, or with the previous sanction in writing of, the chief inspector and no court inferior to that of a presidency magistrate or a magistrate of the second class shall try any offence punishable under this Act.

39. *Limitation of prosecutions.*—No court shall take cognizance of an offence punishable under this Act unless the complaint thereof has been made or is made within three months from the date on which the alleged commission of the offence came to the knowledge of an inspector:

Provided that where the offence consists of disobeying a written order made by an inspector, complaint thereof may be made within six months of the date on which the offence is alleged to have been committed.

CHAPTER VIII.

MISCELLANEOUS.

40. *Power to give directions.*—The Central Government may give directions to the Government of any * * * State as to the carrying into execution in the State of the provisions contained in this Act.

41. *Power to exempt.*—The State Government may, by order in writing, exempt, subject to such conditions and restrictions as it may think fit to impose, any employer or class of employers from all or any of the provisions of this Act:

Provided that **** no such exemption shall be granted except with the previous approval of the Central Government.

42. *General power to make rules.*—(1) The State Government may, subject to the condition of previous publication, make rules to carry out the purposes of this Act:

Provided that the date to be specified under clause (3) of section 23 of the General Clauses Act, 1897 (X of 1897) shall not be less than six weeks from the date on which the draft of the proposed rules was published.

(2) In particular, and without prejudice to the generality of the foregoing power, any such rules may provide for—

(a) the qualifications required in respect of the chief inspector and inspector;

(b) the powers which may be exercised by inspectors and the areas in which and the manner in which such powers may be exercised;

(c) the medical supervision which may be exercised by certifying surgeons;

(d) the examination by inspectors or other persons of the supply and distribution of drinking water in plantations;

(e) appeals from any order of the chief inspector or inspector and the form in which, the time within which and the authorities to which such appeals may be preferred;

(f) the time within which housing, recreational, educational or other facilities required by this Act to be provided and maintained may be so provided;

(g) the types of latrines and urinals that should be maintained in plantations;

(h) the medical, recreational and educational facilities that should be provided in plantations;

(i) the form and manner in which notices of periods of work shall be displayed and maintained; and

(j) the registers which should be maintained by employers and the returns whether occassional or periodical, as in the opinion of the State Government may be required for the purposes of this Act.

(3) All rules made under this Act shall, if made by any Government, other than the Central Government, be subject to the previous approval of the Central Government.

The following Bill was introduced in Parliament on the 6th October, 1951.—

A Bill to validate certain marriages solemnised in certain Part B States between the 26th day of January 1950 and the 31st day of March 1951, under the Indian Christian Marriage Act, 1872.

BE it enacted by Parliament as follows.—

1. *Short title.*—This Act may be called the Part B States Marriages Validating Act, 1951.

2. *Validation of certain irregular marriages.*—All marriages between persons one or both of whom is or are a Christian or Christians, which were solemnized in any Part B State other than the State of Jammu and Kashmir between the 26th day of January, 1950 and the 31st day of March, 1951, under the Indian Christian Marriage Act, 1872 (XV of 1872), shall be, and shall be deemed to have been with effect from the date of solemnization of each of them respectively, as good and valid in law as if such marriages had been solemnized by a person duly authorised under the said Act to solemnize such marriages in the Part B State concerned.

3. *Validation of records of marriages validated by section 2.*—Certificates of marriages which are declared by section 2 to be good and valid in law, and register books, and certified copies of true and duly authenticated extracts therefrom, deposited or purporting to be deposited in compliance with the provisions of the Indian Christian Marriage Act, 1872 (XV of 1872), in so far as the register, books and extracts relate to such marriages as aforesaid, shall be received as evidence of such marriages as if such marriages had been duly solemnized under the said Act.

STATEMENT OF OBJECTS AND REAS

The Indian Christian Marriage Act, 1872, provides for the solemnization in India of marriages between persons one or both of whom professes or profess the Christian faith. The Act as it stood before the 26th January, 1950, extended to all the Provinces of India, and, in the case of Indian States, extended only to Christian British subjects. The corresponding laws in those States were inapplicable to them, and marriages in the States between persons one of whom was a Christian British subject were solemnized by ministers of religion holding licences under the Indian Christian Marriage Act, 1872. By the Adaptation of Laws Order, 1950, a new extent clause was substituted for section 1, with the result that the Act became totally inapplicable to Part B States.

By the Part B States (Laws) Act, 1951, which came into force on the 1st April, 1951, the Act now extends to the whole of India except the States of Travancore-Cochin, Manipur and Jammu and Kashmir, and after that date marriages between Christian citizens of India can be solemnized in Part B States generally in accordance with the procedure prescribed by the Act. But during the period 26th January 1950 to 31st March 1951, there was no law in force in Part B States under which such marriages could be solemnized. It, however, appears that this position was overlooked when certain marriages were solemnized in good faits in the purported belief that the Indian Christian Marriage Act had continued to authorise the solemnization of such marriages. This anomaly was brought to the notice of the Government of India by the Government of Mysore and also by the High Commissioner to the United Kingdom. Hence the present Bill which follows the lines of various earlier Marriages Validating Acts.

NEW DELHI: N. GOPALASWAMI AYYANGAR.

The 28th September 1951.

M. N. KAUL,
Secretary.

NOTIFICATION.

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No. L.D. 1476—Legis. 3-51-32, dated Bangalore, 26th October 1951.

Ordered that the Report of the Select Committee on the Evacuee Interest (Separation) Bill, 1951 (Central Bill No. 65 of 1951), published in the *Gazette of India*, Part II, Section 2, dated the 29th September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

(As amended by the Select Committee) 101

(Words sidelined or underlined indicate the amendments suggested by the Committee; asterisks indicate the omissions.)

Bill No. 65 of 1951.

A Bill to make special provisions for the separation of the interests of evacuees from those of other persons in property in which such other persons are also interested and for matters connected therewith.

Whereas it is expedient to make special provisions for the separation of the interests of evacuees from those of other persons in property in which such other persons are also interested and for matters connected therewith;

And whereas some of the aforesaid provisions may relate to certain matters in the State List and Parliament is empowered, in pursuance of a Resolution passed under article 249 of the Constitution, to make such laws;

Be it therefore enacted by Parliament as follows :—

CHAPTER I.

Preliminary.

1. *Short title and extent.*—(1) This Act may be called the Evacuee Interest (Separation) Act, 1951.

(2) It extends to the whole of India except the States of Assam, West Bengal, Tripura, Manipur and Jammu and Kashmir.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) "appellate officer" means an officer appointed as such by the State Government under section 13;

(*b*) "claim" means the assertion by any person, not being an evacuee, of any right, title or interest in any property— * *

(i) as a co-sharer or partner of an evacuee in the property; or

(ii) as a mortgagee of the interest of an evacuee in the property; or

(iii) as a mortgagor having mortgaged the property or any interest therein in favour of an evacuee;

and includes any other interest which such person may have jointly with an evacuee and which is notified in this behalf by the Central Government in the Official Gazette;

(*c*) "competent officer" means an officer appointed as such by the State Government under section 4;

(*d*) "composite property" means any property which, or any property in which an interest, has been declared to be evacuee property or has vested in the Custodian under the Administration of Evacuee Property Act, 1950 (XXXI of 1950) and—

(i) in which the interest of the evacuee consists of an undivided share in the property held by him as a co-sharer or partner of any other person, not being an evacuee; or

(ii) in which the interest of the evacuee is subject to mortgage in any form in favour of a person, not being an evacuee; or

(iii) in which the interest of a person, not being an evacuee, is subject to mortgage in any form in favour of an evacuee; or

(iv) in which an evacuee has such other interest jointly with any other person, not being an evacuee, as may be notified in this behalf by the Central Government, in the Official Gazette;

(*e*) "evacuee interest", in relation to a composite property, means the right, title and interest of an evacuee in that property;

(*f*) "mortgage debt" means any liability in respect of a property due under any form of mortgage (including any usufructuary mortgage or mortgage by conditional sale) whether such liability is payable presently or in future, or under any decree or order of a court or otherwise, or whether ascertained or not, which—

(i) in any case where it is incurred by an evacuee, is secured by the mortgage of the interest of the evacuee in the property in favour of a person, not being an evacuee;

(ii) in any case where it is incurred by a person not being an evacuee, is secured by the mortgage of the interest of such person in the property in favour of an evacuee;

but does not include any such liability of an evacuee arising out of any transaction entered into after the 14th day of August, 1947 unless such transaction has been confirmed by the Custodian under the Administration of Evacuee Property Act, 1950 (XXXI of 1950).

* * * * *

(*g*) "prescribed" means prescribed by rules made under this Act;

(*h*) "principal money", in relation to a mortgage deed executed by an evacuee, means—

(i) in the case of a mortgage deed which has not been executed by way of renewal of a prior mortgage deed, the sum of money advanced by way of loan at the time of the execution of the mortgage deed;

(ii) in the case of a mortgage deed which has been executed at any time before the 1st day of January, 1940, by way of renewal of a prior mortgage deed, the consideration for which the renewed mortgage bond was executed;

(iii) in the case of a mortgage deed which has been executed at any time after the 1st day of January, 1940, by way of renewal of a prior mortgage deed executed before that date, the sum of money which became due on the 1st day of January, 1940, on account of the money advanced on the prior mortgage deed and interest thereon up to the said date;

(iv) in the case of a mortgage deed which was executed at any time after the 1st day of January, 1940, by way of renewal of a prior mortgage deed which was also executed after that date, the sum of money advanced by way of loan at the time of the execution of the prior mortgage deed;

Explanation.—For the purpose of calculating the principal money in relation to any mortgage deed which has been executed

by way of renewal of a prior mortgage deed, any sum of money advanced at the time of such renewal in addition to the sum of money which was due on the prior mortgage deed shall also be taken into account.

(i) all words and expressions used, but not defined in this Act and defined in the Administration of Evacuee Property Act, 1950 (XXXI of 1950), shall have the meanings assigned to them in that Act.

3. *Act to override other laws.*—Save as otherwise expressly provided in this Act, the provisions of this Act and of the rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.

CHAPTER II.

Separation of Evacuee Interest in Composite Property.

4. *Power to appoint competent officers.*—(1) The State Government may, with the approval of the Central Government, by notification in the Official Gazette, appoint as many competent officers as may be necessary for the purpose of performing the functions assigned to them by or under this Act, and a competent officer may perform his functions in such local area or areas as may be specified in the notification

(2) No person shall be qualified to be appointed as a competent officer under this Act unless he has held a judicial office for at least five years, or has been an advocate or a pleader for at least seven years.

5. *Jurisdiction of competent officers.*—A competent officer shall have jurisdiction to decide any claim relating to any composite property situate within the limits of the local area of his jurisdiction and such cases or classes of cases as may, by general or special order, be transferred to him under section 19 by the Central Government or the appellate officer.

6. *Notice to submit claims.*—(1) For the purpose of determining or separating the evacuee interest in a composite property, any competent officer having jurisdiction over such property may, either on information received in this behalf from the Custodian or on an application from a claimant, issue, in such form and manner as may be prescribed,—

(a) a general notice requiring all persons who claim interest in such property, and

(b) also a notice on every person who, in the opinion of the competent officer, may have a claim in such property,

to submit claims, if any, in respect of that property.

(2) An application under sub-section (1) shall be in such form and manner as may be prescribed.

7. *Submission of claims.*—(1) Any person claiming an interest in a composite property may, within sixty days of the date of the issue of the general notice or service of individual notice under section 6, whichever is later, submit to the competent officer a statement of his claim in writing and signed and verified in the prescribed manner :

Provided that the competent officer may entertain the claim after the expiry of the said period of sixty days if he is satisfied that the claimant was prevented by sufficient cause from filing the claim in time.

(2) A statement of claim under sub-section (1) shall be dwawn up, as far as may be, in the form of pleadings under the Code of Civil Procedure, 1908 (Act V of 1908) and shall include the following particulars, namely :—

(*a*) the nature of the interest of the claimant in the composite property;

(*b*) the estimated money value of the composite property;

(*c*) where the claim is made by a co-sharer or partner, the extent of the share of the claimant and the money value of such share;

(*d*) where the claim is made by a mortgagee,—

(i) the principal money and the rate of interest chargeable under the mortgage deed;

(ii) payments made towards the mortgage debt after the principal money was advanced or deemed to have been advanced;

(iii) the history of the mortgage debt in so far as it is relevant to the determination of the principal money;

(iv) particulars of the property mortgaged and the estimated value of such property;

(v) particulars of any property the prossession of which has been taken by the mortgagee as security for, or in lieu of payment of, the mortgage debt;

(vi) the total amount claimed under the mortgage debt in accordance with the provisions of this Act;

(*e*) where the claim is made by a mortgagor, the total amount due under the mortgage debt and the particulars necessary to determine the same;

(*f*) the order of preference in which the claimant desires to have his interest separated from that of the evacuee under section 10;

(*g*) any other particulars which may be prescribed.

(3) The claimant shall, along with the submission of claim under sub-section (1), file true copies of all documents in his possession or power on which the claim is based and a list of any other documents (whether in his possession or power or not) on which he intends to rely as evidence in support of his claim; and the claimant shall, whenever required to do so by the competent officer, produce all the documents of which true copies have been filed and also the documents in his possession or power which have been entered in the list.

(4) No document which should have been but has not been filed in accordance with the requirements of sub-section (3), shall be received at any stage of the proceedings without the leave of the competent officer.

8. *Decision by competent officer.*—(1) On receipt of a statement of claim under section 7, the competent officer shall, subject to the provisions of sub-sections (2) and (3), hold an inquiry in the claim in accordance with the procedure laid down in section 17 and pass an order determining the interest of the evacuee and the claimant in the property in question and the order shall contain all or any of the following particulars, namely :—

(*a*) the money value of the property;

(*b*) in any case where the evacuee and the claimant are co-sharers or partners, their respective shares in the property and the money value of such shares;

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(c) in any case where the claim is made by a mortgagor, the amount due to the evacuee;

(d) in any case where the claim is made by a mortgagee, the amount due under the claim in accordance with the provisions of section 9.

(2) Where the Custodian under the Administration of Evacuee Property Act, 1950 (XXXI of 1950), has determined that the property in question or any interest therein is evacuee property, the decision of the Custodian shall be binding on the competent officer:

Provided that nothing contained in this sub-section shall debar the competent officer from determining the mortgage debt in respect of such property or any interest therein or from separating the interest of the evacuee from that of the claimant under section 10.

(3) If there is any dispute as to whether a liability is a mortgage debt or not or whether any claim submitted under section 7 exists, the competent officer shall decide such dispute:

Provided that a decree of a civil court (other than an *ex parte* decree passed after the 14th day of August, 1947) shall subject to the provisions of sections 9 and 10, be binding on the competent officer in respect of any matter which has been finally decided by such decree; and where any matter was decided by an *ex parte* decree passed by a civil court after the 14th day of August, 1947, the competent officer may decide such matter afresh and on such decision being made, the *ex parte* decree shall be deemed to have no effect.

9. *Certain reliefs in respect of mortgaged property of evacuees.*—(1) Notwithstanding anything to the contrary in any law or contract or any decree or order of a civil court or other authority, where the claim is made by a mortgagee, no mortgaged property of an evacuee shall, subject to the provisions of sub-section (2), be liable for the payment of interest at a rate exceeding five per cent per annum simple on the principal money advanced or deemed to have been advanced.

(2) Where a mortgagee has taken possession of any terms whatsoever of any agricultural land and is entitled to receive profits accruing from the land and to appropriate the same, every such mortgage shall be deemed to have taken effect as a complete usufructuary mortgage and shall be deemed to have been extinguished on the expiry of the period mentioned in the mortgage deed or twenty years, whichever is less, from the date of the execution of the mortgage deed; and if the aforesaid period has not expired and the mortgage debt has not been extinguished, the competent officer shall determine the mortgage debt due having regard to the proportion which the unexpired portion of that period bears to the total of that period.

10. *Separation of the interests of evacuees from those of claimants in composite property.*—Notwithstanding anything to the contrary in any law or contract or any decree or order of a civil court or other authority, the competent officer may, subject to any rules that may be made in this behalf, take all such measures as he may consider necessary for the purpose of separating the interests of the evacuees from those of the claimants in any composite property, and in particular may,—

(a) in the case of any claim of a co-sharer or partner,—

(i) direct the custodian to pay to the claimant the amount of money assessed in respect of his share in the composite property

or deposit the same in a civil court having jurisdiction over such property and deliver possession of the property to the Custodian and the claimant may withdraw the amount in deposit in the civil court; or

(*ii*) transfer the property to the claimant on payment by him of the amount of money assessed in respect of the share of the evacuee in the property; or

(*iii*) sell the property and distribute the sale proceeds thereof between the Custodian and the claimant in proportion to the share of the evacuee and of the claimant in the property; or

(*iv*) partition the property according to shares of the evacuee and the claimant and deliver possession of the shares allotted to the evacuee and the claimant to the Custodian and the claimant respectively;

(*b*) in the case of any claim of a mortgagor or a mortgagee,—

(*i*) pay to the Custodian or the claimant the amount payable under the mortgage debt and redeem the mortgaged property; or

(*ii*) sell the mortgaged property for satisfaction of the mortgage debt and distribute the sale proceeds thereof; or

(*iii*) partition the property between the mortgagor and the mortgagee having regard to the share to which the mortgagee would be entitled in lieu of his claim;

(*c*) adopt a combination of all or some of the aforesaid measures:

Provided that before taking any measure under the section this competent officer shall take into account the order of preference filed by the claimant under clause (*e*) of sub-section (2) of section 7; and in any case where the claimant is a mortgagor and tenders the amount due, the competent officer shall accept the same in full satisfaction of the mortgage debt.

11. *Vesting of evacuee interest in the Custodian free from encumbrances and payments, etc., to be valid discharge from all claims.*—(1) Where in respect of any property, notice under section 6 is issued but no claim is filed or found to exist * * * or where any claim in respect of such property is found to exist and the competent officer separates the evacuee interest therein under section 10, the whole property, or, as the case may be, the evacuee interest in the property thus separated shall vest in the Custodian free from all encumbrances and liabilities and any payment, transfer or partition made or effected under section 10, in satisfaction of any claim in respect of the property shall be a full and valid discharge of all claims in respect of the property. * * *

(2) The Custodian may take possession of any such property by evicting the claimant and other persons who may be in occupation thereof and may, for that purpose, use or cause to be used such force as may be necessary;

Provided that the Custodian shall not disturb the possession of any person (other than the claimant) who was in lawful possession of the property at the commencement of this Act and has continued in such possession.

12. *Rights of claimants* inter se *and by other persons against claimants not to be affected.*—Nothing in this Chapter shall prejudice any rights in respect of the property transferred or delivered, or payment made, to a

claimant under the provisions of this Act which any other claimant or other person may be entitled by due process of law to enforce against the claimant to whom the property is delivered or transferred or the payment is made.

CHAPTER III.

APPEAL, REVISION AND POWERS AND PROCEDURE OF COMPETENT OFFICERS AND APPELLATE OFFICERS.

13. *Power to appoint appellate officers.*—(1) The State Government with the approval of the Central Government may, by notification in the Official Gazette, appoint as many appellate Officers as may be necessary for the purpose of hearing appeals against the orders of the competent officers and an appellate officer shall have jurisdiction over such local area or areas as may be specified in the notification.

(2) No person shall be qualified to be appointed as an appellate officer under this Act unless such person—

(*a*) is, or has been, or is qualified for appointment as, a Judge of a High Court; or

(*b*) is, or has been, a district judge.

14. *Appeals.*—(1) Any person aggrieved by an order of the competent officer made under section 8 or section 10 may, within sixty days from the date of the order, prefer an appeal to the appellate officer in such form and manner as may be prescribed:

Provided that the appellate officer may entertain the appeal after the expiry of the said period of sixty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

* * * * *

(2) The appellate officer may, after hearing the appeal, confirm, vary or reverse the order appealed from and may pass such orders as he deems fit.

15. *Power of revision of the Appellate Officer.*—The appellate officer may at any time call for the record of any proceeding in which the competent officer has passed an order for the purpose of satisfying himself as to the legality or propriety of any such order and may pass such order in relation thereto as he thinks fit:

Provided that the appellate officer shall not pass an order under this section prejudicially to any person without giving him a reasonable opportunity of being heard.

16. *Amendment of orders.*—Clerical or arithmetical mistakes in orders passed by a competent officer or an appellate officer * * * * or errors arising therein from any accidental slip or omission, may, at any time, be corrected by the competent officer or the appellate officer * * * * either of his own motion or on an application received in this behalf from any of the parties.

17. *Powers and procedure of competent officers and appellate officers.*—

* * * *

(1) * * A competent officer or an appellate officer shall, for the purpose of holding any inquiry or hearing any appeal under this

Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit in respect of the following matters, namely :—

(*a*) summoning and enforcing the attendance of any person and examining him on oath ;

(*b*) requiring the discovery and production of documents ;

(*c*) issuing commissions for the examination of witnesses ;

(*d*) any other matter which may be prescribed ; and any proceeding before the competent officer or the appellate officer shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code, 1860 (Act XLV of 1860), and the competent officer or the appellate officer shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

(2) An appellate officer shall, subject to the provisions of this Act, have such further powers as are vested in a court under the Code of Civil Procedure, 1908 (Act V of 1908), when hearing an appeal.

(3) Subject to any rules made in this behalf, the competent officer and appellate officer shall follow the same procedure as a civil court does in regard to civil suits including recording of evidence and the provisions of the Code of Civil Procedure, 1908 (Act V of 1908) shall, as far as may be, apply to such proceedings.

18. *Finality of orders.*—Save as otherwise expressly provided in this Act, every order made by * * any appellate officer or competent officer shall be final and shall not be called in question in any court by way of an appeal or revision or in any original suit, application or execution proceedings.

CHAPTER IV.

MISCELLANEOUS.

19. *Power to transfer cases.*—(1) The Central Government or the appellate officer may, by order in writing at any time, transfer any case pending before a competent officer to another competent officer for holding the inquiry and the competent officer to whom the case is so transferred may * * * proceed either *de novo* or from the stage at which it was transferred.

(2) The Central Government or the State Government may, by order in writing at any time, transfer any appeal pending before an appellate officer to another appellate officer for hearing the appeal and the appellate officer to whom the appeal is so transferred may proceed either *de novo* or from the stage at which it was transferred.

20. *Jurisdiction of civil courts barred in certain matters.*—(1) Save as otherwise expressly provided in this Act, no civil or revenue court shall entertain any suit or proceeding in so far as it relates to any claim to composite property which the competent officer is empowered by or under this Act to decide, and no injunction in respect of any action taken or to be taken by the competent officer in respect of the composite property shall be granted by any civil court or other authority.

(2) All suits and proceedings pending before a civil or revenue court at the commencement of this Act shall, in so far as they relate to any claim filed before a competent officer under section 7, be stayed during the pendency of any proceeding under this Act.

(3) Nothing in sub-section (1) shall prevent any civil or revenue court from entertaining any suit or proceeding relating to any right in respect of any payment made, or property transferred or delivered, to a claimant under the provisions of this Act which any other claimant or other person may be entitled by due process of law to enforce against the claimant to whom the payment is made or the property is delivered or transferred.

* * * *

21. *Competent officer to be a public servant.*—Every competent officer and appellate officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Act XLV of 1860).

22. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against * * the appellate officer or the competent officer in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

* * * *

23. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the form of any notice and the manner of its service;

(*b*) the form and manner in which an application may be filed under section 6 ;

(*c*) the form and manner in which claims may be submitted and the particulars which a statement of claim may contain ;

(*d*) the manner in which inquiries under this Act may be held and the procedure to be followed by competent officers in such proceedings ;

(*e*) the form and manner in which appeals may be preferred against the order of competent officers and the procedure to be followed by appellate officers ;

(*f*) the powers vested in a civil court which may be exercised by the competent officers and appellate officers while holding an inquiry or hearing an appeal, as the case may be, under this Act ;

(*g*) the manner of separating the interests of the evacuees from those of claimants in any composite property ;

(*h*) any other matter which has to be, or may be, prescribed under this Act.

NEW DELHI,
The 14th September, 1951.

K. SANTHANAM,

M. N. KAUL,
Secretary.

NOTIFICATION.

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No. L.D. 1569—Legis. 3-51-38, dated Bangalore, 20th November 1951.

Ordered that the report of the Select Committee on the Displaced Persons (Debts Adjustment) Bill, 1951 (Central Bill No. 69 of 1951) published in the *Gazette of India*, Part II, Section 2, dated the 20th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

(As amended by the Select Committee)

(Words side-lined or underlined indicate the amendments suggested by the Committee; asterisks indicate omissions.)

Bill No, 69 of 1951.

A Bill to make certain provisions for the adjustment and settlement of debts due by displaced persons, for the recovery of certain debts due to them and for matters connected therewith or incidental thereto.

Be it enacted by Parliament as follows:—

CHAPTER I.

Preliminary.

1. *Short title, extent and commencement.*—(1) This Act may be called the Displaced Persons (Debts Adjustment) Act, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States or for different parts thereof.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) "company" means a company as defined in the Indian Companies Act, 1913 (VII of 1913), and includes a company deemed to be resigtered under that Act by reason of any of the provisions contained in this Act;

(2) "Companies Act" means the Indian Campanies Act, 1913 (VII of 1913);

(3) "compensation" means any compensation paid, whether in cash or in kind, in respect of any immovable property in West Pakistan belonging to a displaced person under any general scheme arrived at in this behalf between the Government of India and the Government of Pakistan or framed by the Government of India;

(4) "co-operative society" means a co-operative society registered under the Co-operative Societies Act, 1912 (II of 1912), or under any other law for the time being in force in any State for the registration of co-operative societies;

(5) "Co-operative Societies Act" means the Co-operative Societies Act, 1912 (II of 1912), and includes any other law for the time being in force in any State relating to co-operative societies;

(6) "debt" means any pecuniary liability, whether payable presently or in future, or under a decree or order of a civil or revenue court or otherwise, or whether ascertained or to be ascertained, which—

(*a*) in the case of a displaced person who has left or been displaced from his place of residence in any area now forming part of West Pakistan, was incurred before he came to reside in any area now forming part of India;

(*b*) in the case of a displaced person who, before and after the 15th day of August, 1947, has been residing in any area now forming part of

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India, was incurred before the said date on the security of any immovable property situate in the territories now forming part of West Pakistan:

Provided that where any such liability was incurred on the security of immovable properties situate both in India and in West Pakistan, the liability shall be so apportioned between the said properties that the liability in relation to each of the said properties bears the same proportion to the total amount of the debts as the value of each of the properties as at the date of the transaction bears to the total value of the properties furnished as security, and the liabllity, for the purposes of this clause, shall be the liability which is relatable to the property in West Pakistan;

(*c*) is due to a displaced person from any other person (whether a displaced person or not) ordinarily residing in the territories to which this Act extends;

and includes

any pecuniary liability incurred before the commencement of this Act by any snch person as is referred to in this clause which is based on, and is solely by way of renewal of, any such liability as is referred to in sub-clause (*a*) or sub-clause (*b*) or sub-clause (*c*):

Provided that in the case of a loan, whether in cash or in kind, the amount originally advanced and not the amount for which the liability has been renewed shall be deemed to be the extent of the liability.

but does not include

any pecuniary liability due under a decree passed after the 15th day of August 1947, by any court situate in West Pakistan or any pecuniary liability the proof of which depends merely on an oral agreement;

(7) "displaced bank" means a banking company which, before the 15th day of August, 1947, carried on the business of banking, whether wholly or partially, in any area now forming part of West Pakistan and is declared to be a displaced bank within the meaning of this Act by the Central Government by notification in the Official Gazette:

(8) "displaced creditor" means a displaced person to whom a debt is due from any other person, whether a displaced person or not;

(9) "displaced debtor" means a displaced person from whom a debt is due or is being claimed;

(10) "displaced person" means any person who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances in any area now forming part of West Pakistan, has, after the 1st day of March, 1947 left, or been displaced from, his place of residence in such area and who has been subsequently residing in India, and includes any person who is resident in any place now forming part of India and who for that reason is unable or has been rendered unable to manage, supervise or control any immovable property belonging to him in West Pakistan, but does not include a banking company;

(11) "prescribed" means prescribed by rules made under this Act;

(12) "Tribunal" means any civil court specified under section 4 as having authority to exercise jurisdiction under this Act;

(13) "verified claim" means any claim registered under the Displaced Persons (Claims) Act, 1950 (XLIV of 1950) in respect of which

a final order has been passed under that Act relating to its verification and valuation;

(14) "West Pakistan" means the territories of Pakistan excluding the Province of East Bengal.

3. *Over-riding effect of Act, rules and orders.*—Save as otherwise expressly provided in this Act, the provisions of this Act and of the rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or in any decree or order of a court, or in any contract between the parties.

4. *Tribunals competent to exercise jurisdiction under this Act.*—The State Government may, by notification in the Official Gazette, specify any civil court or class of civil courts as the Tribunal or Tribunals having authority to exercise jurisdiction under this Act and may define the areas in which and the extent to which such jurisdiction may be exercised.

CHAPTER III.

DEBT ADJUSTMENT PROCEEDINGS.

5. *Application by displaced debtors for adjustment of debts.*—(1) At any time within one year after the date on which this Act comes into force in any local area, a displaced debtor may make an application for the adjustment of his debts to the Tribunal within the local limits of whose jurisdiction he actually and voluntarily resides, or carries on business or personally works for gain.

(2) Every application by a displaced debtor shall contain the following particulars, namely :—

(*a*) the place where he resides;

(*b*) the trade, calling, profession or other employment in which he is now engaged and in which he was engaged in West Pakistan before he became a displaced person;

(*c*) his average annual income in India during the three years immediately preceding the application;

(*d*) the income-tax and super-tax, if any, to which he has been assessed for the three years immediately preceding the application;

(*e*) such other particulars as may be prescribed;

and shall be accompanied by the following schedules, namely :—

(*i*) a schedule containing full particulars of all his debts whether owed jointly or individually, with the names and addresses of his creditors and joint-debtors, if any, so far as they are known to or can by the exercise of reasonable care and diligence be ascertained by him;

(*ii*) a schedule of all his properties, both movable and immovable (including claims due to him) which are not liable to attachment either under the Code of Civil Procedure, 1908 (Act V of 1908), as amended by section 31 of this Act or under any other law for the time being in force, a specification of the values thereof and of the places where the same may be found;

(*iii*) a schedule of all his properties, both movable and immovable (including claims due to him) which are not included in the schedule under item (*ii*) of this clause; and

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(*iv*) a schedule of all his properties in respect of which a claim has been submitted to the registering officer under the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), and where any order has been passed in relation to the verification and valuation of the claim under that Act with a certified copy of the order.

(3) All persons whose names are shown in any schedule as having claims against the displaced debtor and all persons whose names are shown as joint debtors shall be deemed to be the respondents to the application and there shall be filed along with the application or with the permission of the Tribunal, at any later stage of the proceedings, as many copies of the application and as many envelopes and notices in the prescribed form duly addressed to the respondents as there are respondents.

6. *Rejection of application in certain cases.*—Where an application made under section 5 does not comply with any of the requirements of that section, the Tribunal may either reject it, or grant to the applicant such further time as it thinks fit to comply with such requirements.

7. *Issue of notice.*—If the application is not rejected under section 6, the Tribunal shall, after causing the date for the hearing of the application to be entered in the notices referred to in section 5, cause them to be served on the respondents

8. *Objection by respondents.*—In response to a notice under section 7, the respondent may show cause against the application by filing a written statement containing his objections to the application:

Provided that where he does not appear in person or through an authorised agent, the written statement may be sent by registered post, acknowledgment due, to the Tribunal after having been signed in the presence of a civil judicial officer or a magistrate or any other prescri bed officer and duly attested by such officer or magistrate.

9. *Proceeding after service of notice on respondents.*—(1) If there is a dispute as to whether the applicant is a displaced person or not or as to the existence or the amount of the debt due to any creditor or the assets of any displaced debtor, the Tribunal shall decide the matter after taking such evidence as may be adduced by all the parties concerned, and

* * shall pass such decree in relation thereto as it thinks fit.

(2) If there is no such dispute or if the respondents do not appear or have no objection to the application being granted, the Tribunal may, after considering the evidence placed before it, * * * * pass such decree in relation thereto as it thinks fit.

10. *Claims by creditors against displaced debtors.*—Any displaced person having a claim against a displaced debtor may make an application, in such form as may be prescribed, for the determination thereof to the Tribunal within the local limits of whose jurisdiction the displaced debtor actually and voluntarily resides, or carries on business, or personally works for gain together with a statement of the debts owed to the creditor with full particulars thereof.

11. *Procedure on creditor's petition.*—(1) Where an application under section 13 has been made, the Tribunal shall cause notice thereof to be served on the displaced debtor calling upon him either to show cause, if any, against the application or to make an application on his own behalf under section 5.

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(2) If, in response to a notice under sub-section (1), the displaced debtor makes an application in accordance with the provisions of section 5, the Tribunal shall proceed further in the matter as if it had commenced with an application by the displaced debtor under section 5, and all the other provisions of this Act shall apply accordingly; but, if the displaced debtor does not choose to make any such application, the Tribunal shall, after considering such evidence, if any, as may be produced before it, determine the claim and * * * * pass such decree in relation thereto as it thinks fit.

(3) The period of limitation specified in sub-section (1) of section 5 in respect of an application by a displaced debtor shall not apply to an application made under sub-section (2).

12. *Objection by creditor to schedule of assets.*—(1) Any creditor of a displaced debtor may make an application to the Tribunal stating that the displaced debtor, who has made an application under section 5 or sub-section (2) of section 11, has concealed any part of his assets, and the Tribunal shall, after giving due notice thereof to the displaced debtor, determine the matter.

(2) If the Tribunal finds that the displaced debtor has wilfully and fraudulently omitted to include such assets in his application, the Tribunal may dismiss the application or refuse to allow to the displaced debtor any of the reliefs under this Act to which he would otherwise have been entitled or pass such other order in relation thereto as it thinks fit.

13. *Claims by displaced creditors against persons who are not displaced debtors.*—At any time within one year after the date on which this Act comes into force in any local area, any displaced creditor claiming a debt from any other person who is not a displaced person may make an application, in such form as may be prescribed, to the Tribunal within the local limits of whose jurisdiction he or the respondent or, if there are more respondents than one, any of such respondents, actually and voluntarily resides, or carries on business or personally works for gain, together with a statement of the debt owing to him with full particulars thereof.

14. *Procedure on displaced creditor's petition.*—(1) Where an application under section 13 has been made to the Tribunal, the Tribunal shall cause notice thereof to be given to the debtor, calling upon him to show cause, if any, against the application.

(2) If there is a dispute as to whether the applicant is a displaced creditor or not or as to the existence of the debt or as to the amount thereof, the Tribunal shall decide the matter, after taking such evidence as may be produced before it, and * * * * pass such decree in relation thereto as it thinks fit.

(3) If there is no such dispute or if the debtor does not appear or has no cause to show, the Tribunal may, after considering the evidence placed before it, pass such decree in relation thereto as it thinks fit.

15. *Consequences of application by displaced debtor.*—Where a displaced debtor has made an application to the Tribunal under section 5 or under sub-section (2) of section 11, the following consequences shall ensue namely:—

(*a*) all proceedings pending at the date of the said application in any * civil court in respect of any debt to which the displaced debtor is subject * * * (except proceedings by way of appeal or

review or revision against decrees or orders passed against the displaced debtor) shall be stayed, and the records of all such proceedings other than those relating to the appeals, reviews or revisions as aforesaid shall be transferred to the Tribunal and consolidated;

(*b*) all attachments, injunctions, orders appointing receivers or other processes * * issued by any such court and in force at the date of the said application in respect of any such debt shall cease to have effect and no fresh process shall, except as hereinafter expressly provided, be * * issued:

Provided that where an order appointing a receiver ceases to have effect under this section, the receiver shall, within fourteen days from the date on which his appointment ceases to have effect or within such further time as the Tribunal may in any case allow, submit to the Tribunal instead of the court which appointed him his outstanding accounts, and the Tribunal shall, in relation to such accounts, have the same powers with respect to the receiver as the court which appointed him had or could have had;

(*c*) no fresh suit or other proceeding (other than any such appeal, review or revision as is referred to in clause (*a*)) shall be instituted against a displaced debtor * * in respect of any debt mentioned by him in the relevant schedule to his application;

(*d*) any immovable property belonging to the displaced debtor and liable to attachment shall not be transferred except under the authority of the Tribunal and on such terms as it thinks fit, until the application of the displaced debtor has been finally disposed of or any decree passed against him is satisfied in accordance with the provisions of this Act.

16. *Debts secured on immovable property.*—(1) Where a debt incurred by a displaced person is secured by a mortgage, charge or lien on the immovable property belonging to him in West Pakistan, the Tribunal may, for the purpose of any proceeding under this Act, require the creditor to elect to retain the security or to be treated as an unsecured creditor.

(2) If the creditor elects to retain the security, he may apply to the Tribunal, having jurisdiction in this behalf as provided in section 10, for a declaration of the amount due under his debt.

(3) Where in any case, the creditor elects to retain his security, if the displaced debtor receives any compensation in respect of any such property as is referred to in sub-section (1), the creditor shall be entitled—

(*a*) where the compensation is paid in cash, to a first charge thereon:

Provided that the amount of the debt in respect of which * * he shall be entitled to the first charge shall be that amount as bears to the total debt the same proportion as the compensation paid in respect of the property bears to the * * value of the verified claim in respect thereof * * * * and to that extent the debt shall be deemed to have been reduced;

(*b*) where the compensation is by way of exchange of property to a first charge on the property situate in India so received by way of exchange:

Provided that the amount of the debt in respect of which * * he shall be entitled to the first charge shall be that amount as bears to the total debt the same proportion as the value of the property received by

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way of exchange bears to the value of the verified claim in respect thereof and to that extent the debt shall be deemed to have been reduced.

(4) Notwithstanding anything contained in this section, where a debt is secured by a mortgage of agricultural lands belonging to a displaced person in West Pakistan and the mortgage was with possession, the mortgage shall, if he has been allotted lands in India in lieu of the lands of which he was in possession in West Pakistan, be entitled to continue in possession of the lands so allotted until the debt is satisfied from the usufruct of the lands or is redeemed by the debtor:

Provided that in either case the amount of the debt shall be only that amount as bears to the total debt the same proportion as the value of the lands allotted to the creditor in India bears to the value of the lands left behind by him in West Pakistan and to that extent the debt shall be deemed to have been reduced.

(5) Where a creditor elects to be treated as an unsecured creditor, in relation to the debt, * * the provisions of this Act shall apply accordingly.

17. *Debts secured on movable property.*—(1) Where in respect of a debt incurred by a displaced debtor and secured by the pledge of movable property belonging to him, the creditor had been placed in possesion of such property at any time before the debtor became a displaced person, the following rules shall regulate the rights and liabilities of the creditor and the debtor, namely:—

(*a*) the creditor may, if he is still in possession of the pledged property, realise the sum due to him by the sale of such property after giving to the debtor reasonable notice of the sale;

(*b*) the creditor shall not he entitled, in any case where the pledged property is no longer in his possession or is not available for redemption by the debtor, to recover from the debtor the debt or any part thereof for which the pledged property was security;

(*c*) the debtor shall not be liable, in the case of a sale by the creditor of any pledged property, whether under clause (*a*) or otherwise, to pay the balance where the proceeds of such sale are less than the amount of the debt due;

(*d*) the creditor shall, in any case where the proceeds of the sale of the pledged property are greater than the amount of the debt due, pay over the surplus to the debtor.

Explanation I.—For the purposes of this section, the creditor shall be deemed to be in possession of the pledged property in any case in which the pledged property, although not delivered to him was delivered to a person authorised by him or was being held by the debtor on behalf of the creditor, and the ownership or possession thereof could not have been transferred to a third party without the express consent or permission of the creditor.

Explanation II.—Where any motor vehicle or other movable property has been purchased with money the whole or any part of which has been advanced by a creditor who retains the ownership thereof by way of security but allows the debtor to use it with his permission, the property shall for the purposes of this section be deemed to be pledged property of the debtor in the possession of the creditor.

(2) Notwithstanding anything contained in this section, the creditor shall be entitled to receive, and to give a valid discharge in respect of, any sum due under this Act or under any other law for the time being in force

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from an insurance company in respect of any claim arising out of the loss or destruction of the pledged property, but the creditor shall, in any case where the sum received from the insurance company is greater than the amount of the debt due to him, pay over the surplus to the debtor.

18. *Claim against insurance companies.*—(1) Where any property in West Pakistan belonging to a displaced person was insured with any insurance company before the 15th day of August 1947, against any risk arising out of fire or theft or riot and civil commotion and there has been a loss in respect of such property arising out of any such risk at a time when the contract of insurance was in force, such company shall not be entitled to refuse payment of the sum due under any claim in relation thereto on the ground that—

(*a*) no report was lodged with the police within the agreed time, or

(*b*) the claim was not made to the company within the agreed time, or

(*c*) in the case of a policy covering any risk arising out of riot and civil commotion, the disturbances in West Pakistan were not in the nature of a riot or civil commotion;

(*d*) the displaced person has not fulfilled any other condition of the contract which in the opinion of the Central Government is of a technical nature and which the Central Government has, by notification in the Official Gazette, specified as a condition of the contract for the purposes of this section;

* * *

and any contract to the contrary, to the extent to which it is in contravention of the provisions of this sub-section, shall be deemed to have had no effect.

(2) Where a loss has been incurred in respect of any property in the circumstances specified in sub-section (1), the Tribunal shall, in every proceeding where it is necessary to do so, determine respectively the amount of the loss, the amount for which the property was insured on the date of such loss, and the amount, if any, paid by the insurance company, and shall make a report thereof to such board or other authority as may be prescribed, and the prescribed board or other authority shall, after taking into account such matters as may be prescribed as being relevant thereto, and subject to any rules made in this behalf, in turn propose to the Tribunal the amount for which the claim against the insurance company shall be decreed, and the Tribunal shall pass a decree accordingly.

(3) The amount realised from the insurance company under any decree passed under sub-section (2) shall first be applied towards the satisfaction of the debt due from the displaced person, and the balance, if any, shall be refunded to the displaced person.

(4) An application under this section may be made either by a displaced person having a claim against the insurance company in the circumstances specified in sub-section (1) or by an assignee or any other person having an interest in the claim of any such displaced person, to the Tribunal within the local limits of whose jurisdiction the displaced person actually and voluntarily resides or carries on business or personally works for gain or in the case of a displaced bank making an application under this section, within whose limits the bank carries on business, for the determination of the amount due in respect of the claim in accordance with the provisions of sub-section (2).

(5) To every proceeding under sub-section (4) the insurance company and all persons interested in the claim shall be made parties:

Provided that the Tribunal may at any stage of the proceeding direct that the name of any person whose presence before the Tribunal may be necessary in order to enable the Tribunal effectually and completely to adjudicate upon and settle all the questions involved, be added to the proceeding.

(6) No application under this section shall be entertained in any case where no claim has been made to the insurance company within one year after the date of the loss.

Explanation.—A claim shall be deemed to have been made within the meaning of this sub-section if intimation thereof has been given to the insurance company within one year after the date of the loss notwithstanding that the intimation does not specify the amount of the claim or is not in the form, if any, required by the contract of insurance or in any other specified form.

19. *Calls on shares in companies.*—(1) Where a company or a co-operative society has made any call upon a displaced person or a displaced bank in respect of any moneys remaining unpaid on any share held by him or it on the 15th day of August, 1947, in the company or co-operative society, as the case may be, and there has been a failure on the part of the shareholder to pay any moneys due in respect of such call, then, notwithstanding anything to the contrary contained in the Companies Act, or in the memorandum or articles of association or the Co-operative Societies Act, no interest shall be payable in respect of any such moneys due and the company or the co-operative society, as the case may be, shall not be entitled to forfeit the share or any part thereof, and any forfeiture made before the commencement of this Act in respect of any share in the circumstances specified in this sub-section shall be deemed to have had no effect, and no person shall be deemed to have ceased to be a member of the company or co-operative society merely by reason of such forfeiture.

(2) Notwithstanding anything contained in the Companies Act, or in the memorandum or articles of association, or the Co-operative Societies Act, it shall be lawful for a displaced person or a displaced bank to apply to the company or the co-operative society, as the case may be, for the conversion of any partly paid-up share held by him or it in the company or society into such smaller number of fully paid-up shares as the society or company may have issued and in respect of which calls have already been made.

(3) Where any share forfeited before the commencement of this Act has been disposed of by the company in accordance with its articles of association and it is not possible for the company to give to the displaced person the relief to which he is entitled under this section without increasing its capital, the capital of the company shall be deemed to have been increased to the extent to which it is necessary to provide that relief.

(4) If the company or the co-operative society refuses to comply with any such request as is contained in an application under sub-section (2), the Tribunal may, on application made to it in this behalf and if satisfied that there is no cause for such refusal, issue a direction to the company

or the co-operative society accordingly, and the company or society shall be bound to comply therewith and every such direction shall take effect from the date thereof.

(5) Save as otherwise provided in this section, nothing contained herein shall affect the validity of any action taken by the company or its board of directors in pursuance of the provisions of the Companies Act or of the memorandum or articles of associations relating to the company.

(6) The provisions of this section shall have effect for a period of ten years from the 15th day of August, 1947, and thereafter shall cease to have effect except as respects things done or omitted to be done.

20. *No calls to be made on displaced person or bank when company or co-operative society is in liquidation.*—(1) Where a company or a co-operative society is being wound up, no displaced person or displaced bank shall be called upon, notwithstanding anything to the contrary contained in the Companies Act or in the memorandum or articles of association or the Co-operative Societies Act, to make any contribution to the assets of the company or co-operative society, as the case may be, in respect of any share held by him or it in the company or society on the 15th day of August, 1947.

(2) The provisions of this section shall have effect for a period of ten years from the 15th day of August, 1947, and shall also apply in respect of any calls made and not satisfied before that date, and shall cease to have effect after the expiry of the said period except as respects things done or omitted to be done.

21. *Power to revise certain decrees and settlements.*—(1) Where, before the commencement of this Act, a decree has been passed by a civil court against, or a settlement has been entered into by, a displaced debtor * * in respect of any debt, the Tribunal shall, on the application of such debtor revise it so as to bring it into accord with the provisions of this Act.

(2) In determining the amount due under any such decree or settlement, the Tribunal shall accept as binding the findings of the court which passed the decree or the facts contained in the settlement, as the case may be, to the extent to which the findings or the facts are not inconsistent with the provisions of this Act:

Provided that the Tribunal shall not determine any claim under any such decree until any appeal or revision filed against it has been finally decided or the period allowed for any appeal therefrom has expired, and in all such cases the finding of the Tribunal shall be based on the final decree.

(3) Notwithstanding anything contained in this section, no Tribunal shall, in respect of any debt revise any settlement arrived at before the commencement of this Act between an insurance company and a displaced person or between an insurance company and a displaced bank having an interest in the claim of a displaced person against the insurance company and arriving at such settlement by virtue of that interest:

Provided that payment in full has been made in pursuance of such settlement.

22. *Apportionment of joint debts.*—Where a debt is due from a displaced person jointly with another person, the Tribunal shall, for the purposes of

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this Act, apportion the liability between them according to the following rules, namely :—

(*a*) if the liability of each debtor is defined, then according to the defined share of each;

(*b*) if the debt was taken for any trade or business of the joint debtors, then according to the shares held by each of the joint debtors in the trade or business;

(*c*) if the debt was not taken in any defined shares or for any trade or business in which the partners have any defined share, the debt shall be apportioned into as many parts as there are joint debtors, and each joint debtor shall be liable only for the part apportioned to him;

(*d*) if one joint debtor is a displaced person and another is not, the sum apportioned to the non-displaced person shall not be deemed to be a debt within the meaning of this Act and the creditor may in respect of such debt seek any remedy open to him in a civil court or otherwise;

(*e*) if the debt was taken by a joint Hindu family, the members of the joint Hindu family shall be deemed to be joint debtors within the meaning of this section and the debt shall be apportioned amongst the members thereof in the same proportion in which shares would be allotted to them on partition :

Provided that the share of any member of such a joint family any of whose male lineal ascendants in the male line of ascent is alive and joint with such member shall be deemed to be included in the share of his oldest surviving ascendant in the male line of ascent, and such member shall not be separately regarded as a joint debtor for the purpose of this clause;

(*f*) if the liability is secured by a mortgage of movable and immovable properties, the debt shall be apportioned between the two properties in the same proportion as the value of each property bears to the total value of the properties :

Explanation.—For the purposes of this clause, the value of the movable property shall be deemed to be the value thereof immediately before the date on which the debtor became a displaced person, and the value of the immovable property shall be deemed to be the value of the verified claim in respect thereof;

(*g*) where the relationship between the joint debtors is that of principal and surety, nothing contained in this Act shall prevent the institution of a suit for the recovery of the debt against the surety but no decree shall be passed in such suit for an amount in excess of the amount decreed or which can be decreed against the principal debtor in accordance with the provisions of this Act :

Provided that the total amount which may be recovered from the principal debtor and the surety shall not exceed the amount decreed or which can be decreed by the Tribunal against the principal debtor in accordance with the provisions of this Act.

23. *Simplified procedure in certain cases.*—In the determination of any individual debt which does not exceed five thousand rupees,—

(*a*) it shall not be necessary for the Tribunal to take down the evidence of the witnesses in writing at length but the Tribunal, as the

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examination of each witness proceeds, shall make a memorandum of the substance of what he deposes and such memorandum shall be written and signed by the Tribunal and shall form part of the record;

(b) the decision of the Tribunal need not contain more than the points for determination and the decision thereon.

24. *Presumption respecting registered documents.*—It shall be presumed until the contrary is proved that any document registered under the Indian Registration Act, 1908 (XVI of 1908) or any certified copy thereof and produced before the Tribunal has been proved.

25. *Application of Act V of 1908.*—Save as otherwise expressly provided in this Act or in any rules made thereunder, all proceedings under this Act * * shall be regulated by the provisions contained in the Code of Civil Procedure, 1908 (Act V of 1908).

26. *Signing and verification of applications and written statements.*—Every application and the schedules, if any, attached thereto and every written statement filed before the Tribunal for any relief under this Act shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1908 (Act V of 1908), for the signing and verification of pleadings.

* * * * *

27. *Contents of decrees.*—In all cases in which the Tribunal passes a decree on the application of a displaced person, it shall prepare a complete schedule of the creditors and of the assets and liabilities of the displaced person.

28. *Execution of decrees.*—It shall be competent for the civil court which has been specified as the Tribunal for the purposes of this Act to execute any decree or order passed by it as the Tribunal in the same manner as it could have done if it were a decree or order passed by it as a civil court.

CHAPTER III.

RELIEFS.

29. *Cesser of accrual of interest.*—(1) On and from the 15th day of August, 1947, no interest shall accrue or be deemed to have accrued in respect of any debt owed by a displaced person, and no Tribunal shall allow any future interest in respect of any decree or order passed by it:

Provided that—

(a) where the debt is secured by the pledge of shares, stocks, Government securities or securities of a local authority, the Tribunal shall allow, for the period commencing from the 15th day of August, 1947, and ending with the date of commencement of this Act, interest to the creditor at the rate mutually agreed upon or at a rate at which any dividend or interest has been paid or is payable in respect thereof, whichever is less;

(b) in any other case the Tribunal may, if it thinks it just and proper to do so after taking into account the paying capacity of the debtor as defined in section 32, allow, for the period mentioned in clause (a), interest at a rate not exceeding four per cent, per annum simple.

(2) Nothing in this section shall apply to the interest payable in respect of any monies advanced by a creditor, including an insurance company, on the security of a policy of life insurance of a displaced debtor in order to keep it alive.

30. *Exemption from arrest.*—No displaced person shall be liable to arrest or imprisonment in execution of any decree for the recovery of any debt whether passed before or after the commencement of this Act.

31. *Further reliefs in the matter of attachment of property.*—Section 60 of the Code of Civil Proceedure, 1908 (Act V of 1908) shall, in relation to the execution of any decree for a debt against a displaced person (whether passed before or after the commencement of this Act), have effect, as if—

(1) for clause (*c*) of the proviso to sub-section (1), the following clauses had been substituted, namely :—

"(*c*) houses and other buildings (with the materials and the sites thereof and the land immediately appertaining thereto and necessary for their enjoyment) belonging to an agriculturist and not proved by the decree-holder to have been let out on rent or otherwise to any person other than the father, mother, wife, son, daughter, daughter-in-law, brother, sister or other dependant of the judgment-debtor or to have been left vacant for a period of one year or more ;

(*cc*) milch animals, whether in milk or in calf, kids, animals used for the purpose of transport or draught cart and open spaces or enclosures belonging to an agriculturist and required for use in case of need for tying cattle, parking carts or stacking fodder or manure ;

(*ccc*) one main residential house and other buildings attached to it (with the materials and the sites thereof and the land immediately appertaining there to and necessary for their enjoyment) belonging to a judgment-debtor other than an agriculturist and occupied by him ";

(2) in clause (*i*), for the words " hundred rupees " the words " two hundred and fifty rupees " had been substituted ;

(3) after clause (*p*), the following clauses had been inserted namely :—

" (*q*) two-thirds of the agricultural produce of the judgment debtor,

(*r*) so much of any other property of the judgment-debtor as constitutes the means of his livelihood and as is likely, in the opinion of the court, to yield to him an income of not less than two hundred and fifty rupees a month ;

(*s*) any loan advanced or agreed to be advanced by or on behalf of or out of the funds of the Central Government or a State Government, or any asset created from any such loan ;".

Explanation.—Where any such asset as is referred to in clause (*s*) has been created partly from such loan and partly from the private funds of the judgment-debtor, that portion of the asset which has been created from the private funds shall, if severable from the remaining portion, be liable to attachment or sale.

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32. *Scaling down of debts.*—(1) Where, on the application of a displaced debtor under section 5 or sub-section (2) of section 11, the Tribunal has determined the amount due in respect of each debt in accordance with the provisions of this Act, it shall proceed to determine the paying capacity of the debtor.

(2) If the paying capacity of the debtor is equal to or exceeds the aggregate sum of all the debts so determined (exclusive of any debt in respect of which the creditor has elected to retain the security in accordance with the provisions of section 16), the Tribunal shall pass a decree for the aggregate sum so determined, specifying the amount due to each creditor and shall allow repayment thereof in instalments, in accordance with the provisions contained in section 33, unless for reasons to be recorded it directs otherwise.

(3) If the paying capacity of the debtor is less than the aggregate sum referred to in sub-section (2), the Tribunal shall divide the decree into two parts and provide in the first part thereof (hereinafter referred to as the first part of the decree) that the sum equivalent to the paying capacity shall, subject to the provisions contained in section 33, be realised from the assets of the debtor in India, and provide in the second part thereof (hereinafter referred to as the second part of the decree) that the balance shall be realised, subject to the provisions contained in sub-section (6), from any compensation which the debtor may receive:

Provided that if no such compensation is received, the balance shall be irrecoverable.

(4) A creditor who has elected to retain his security under section 16 shall have no right to realise any money due to him from the assets of the debtor in India, but nothing in this sub-section shall affect any of the rights given to him by section 16.

(5) A creditor shall have the right at any time at least six months before the receipt by the debtor of compensation to apply that the whole or the balance of the first part of the decree, in so far as any debt due to him is concerned, may be added to the second part of the decree, and thereupon he shall have no right to realise any money from the assets of the debtor in India.

(6) For the purposes of this Act, the amount payable from the compensation for the satisfaction of the second part of the decree shall be that amount as bears to the aggregate amount of all the debts in the second part of the decree [including therein any sum added to it under sub-section (5) and the sum determined in favour of the secured creditor * * * * * in the manner specified in the proviso to clause (*a*) of sub-section (3) of section 16] as the compensation in respect of the property of the debtor payable to him under the Displaced Persons (Claims) Act, 1950 (XLIV of 1950) bears to the verified claim; and the balance of the compensation, if any, shall be refunded to the displaced debtor.

(7) Every instalment paid by the displaced debtor in respect of the first part of the decree and any sum payable from the compensation in accordance with sub-section (6) shall be distributed rateably amongst the decree-holders, if more persons than one are entitled thereto:

Provided that the secured creditor who has not elected to be treated as an unsecured creditor under section 16 shall be entitled to a prior charge on the amount payable from the compensation.

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(8) Where a displaced person receives compensation by way of exchange of property, then, subject to the prior charge, if any, of a creditor under section 16, the aggregate sum payable in respect of the second part of the decree shall be a second charge upon the property received by way of exchange, but the amount of the second charge shall be that amount as bears to the total sum the same proportion as the value of the property received by way of exchange bears to the value of the original property verified and valued under the Displaced Persons (Claims) Act, 1950 (XLIV of 1950).

(9) Where a displaced person makes a default in the payment of any instalment fixed in respect of the first part of the decree or does not pay the amount determined in accordance with sub-section (4) of section 16 or sub-section (8) of this section for which the first or the second charge may have been created upon the property received by way of exchange, the creditor may apply for the excution of the decree by the attachment and sale of the attachable assets of the judgment-debtor or by the sale of the property obtained by way of exchange upon which the charge has been created, as the case may be, and the amount realised by such excution shall be distributed rateably among the decree-holders:

Provided that nothing contained in this sub-section shall affect the rights of any charge-holders.

(10) For the purposes of this Act, where the compensation is paid in cash, the amount which shall be available for purposes of satisfaction of the debts in the second part of the decree shall in no case exceed seventy-five per cent of the amount of such compensation; and where it is by way of exchange of property, the extent of the property which shall be available for the said purposes shall in no case exceed seventy-five per cent in value of such property.

Explanation.—In this section the expression "paying capacity" means the aggregate of the market value of all the attachable assets in India of the displaced debtor *plus* the income which is likely to accrue to him for the next three years succeeding, excluding from the computation of such income a sum calculated at the rate of two hundred and fifty rupees a month.

33. *Matters to be taken into account in directing payment by instalments.*—(1) In directing payment of any sums by instalments under the first part of the decree, the Tribunal shall take into account among other matters—

(*a*) the present income of the displaced debtor from all sources and the income that is likely to accrue to him in future;

(*b*) the size of the family dependent upon him for the ordinary necessaries of life and the expenditure likely to be incurred for the education and marriage of the children of the displaced person dependent upon him.

(2) Where a displaced creditor is a minor, or a window or a person who, by reason of any physical disability, is permanently disabled from earning his livelihood, the Tribunal may direct that any instalment payable to him or her shall be twenty-five per cent higher than what would otherwise have been directed to be paid, and where it does so, it shall also direct that the instalments of other decree-holders shall be proportionately reduced.

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34. *Variation of maintenance allowances.*—Where a displaced debtor has been ordered to pay an allowance periodically to any person for his maintenance under any decree or order of a court, or is liable to pay such allowance under any agreement voluntarily entered into, the rate at which such allowance is payable may be varied by the Tribunal on application made to it in this behalf, if in view of the change in the circumstances of the displaced debtor, the Tribunal thinks that such variation is necessary, and such variation shall have effect for such period as the Tribunal may direct, notwithstanding anything in any decree, order or agreement to the contrary.

35. *Taxation of lawyer's fees.*—In directing payment of costs by any person as costs in respect of fees to any legal practitioner employed in any proceeding before it the Tribunal shall be guided by any rules for the time being in force regulating the payment of such costs in proceedings of a similar nature before the ordinary civil courts, and shall not award more than one-half of what in its opinion the costs before the civil court would have been.

36. *Extension of period of limitation.*—Notwithstanding anything contained in the Indian Limitation Act, 1908 (IX of 1908) or in any special or local law or in any agreement,—

(*a*) any suit or other legal proceeding in respect whereof the period of limitation was extended by section 8 of the Displaced Persons (Institution of Suits) Act, 1948 (XLVII of 1948), and

(*b*) any suit or other legal proceeding for the enforcement of a claim against an insurance company not failing within the provisions of clause (*a*) in respect whereof the cause of action had arisen, whether wholly or in part, in the territories now situate in West Pakistan and the institution of the suit or other legal proceeding has become barred by reason of a condition in the contract, which, but for the condition, would have been governed by the provisions contained in clause (*a*),

may be instituted at any time within one year from the commencement of this Act.

37. *Curtailment of period of limitation for execution of certain decrees.*—Notwithstanding anything contained in section 48 of the Code of Civil Procedure, 1908 (Act V of 1908), or in any other law for the time being in force, no order for the execution of a decree in respect of a debt against a displaced person shall be made upon an application presented after the expiration of—

(*a*) in the case of decrees passed before the commencement of this Act, six years from such commencement;

(*b*) in the case of decrees passed after the commencement of this Act, six years from the date of the decrees;

(*c*) in the case of decrees directing payment of money to be made at prescribed intervals or on certain dates, six years from the date of default in making the payment in respect of which the decree-holder seeks to have the decree executed:

Provided that nothing in this section shall be construed as extending the limit of time for execution as provided in section 48 of the said Code for an application for the execution of a decree passed before the commencement of this Act.

38. *Sale of immovable property in execution.*—(1) Where in the execution of any decree for the recovery of a debt against a displaced person his immovable property is sought to be sold, the court exceeding the decree shall, in the first instance, determine the market value of the property and if the value so determined is less than or equal to the amount of the decree together with the proportionate amount of any prior encumbrance, the court shall transfer the property to the decree-holder.

(2) If the value determined under sub-section (1) is greater than the amount of the decree together with the proportionate amount of any prior encumbrance the court shall determine the portion of such property the value of which is equal to the amount of the decree with the proportionate amount of such prior encumbrance, and may, if it is reasonable or convenient to do so, transfer that portion to the decree-holder.

(3) Where any property is transferred under the provisions of this section to the decree-holder, the decree shall be deemed to be satisfied to the extent of the value of the property so transferred :

Provided that if the decree-holder does not desire to take the property or, in the opinion of the court, it is not reasonable or convenient to transfer the property to him, the property may be sold by public auction, but irrespective of the price fetched at the public auction the market value of the property as determined under this section (and not the amount payable to the decree-holder out of the sale proceeds of the public auction) shall be deemed to be the amount which has been paid to the decree holder in respect of the decree, and satisfaction thereof shall be entered accordingly.

39. *Encouragement of settlements.*—If the displaced debtor and the creditor or, where there are more creditors than one, such number thereof as hold more than two-thirds in value of the debts due from the displaced debtor enter into an agreement for the adjustment of the liabilities, the Tribunal shall if an application is made to it in this behalf, after giving due notice to the other creditors affected, adjust the remaining debts accordingly if the terms of the agreement are just and fair, and pass a decree accordingly.

CHAPTER IV.

APPEALS.

40. *General provisions relating to appeals.*—Save as otherwise provided in section 41, an appeal shall lie from—

(*a*) any final decree or order of the Tribunal, or

(*b*) any order made in the course of execution of any decree or order of the Tribunal, which if passed in the course of execution of a decree or order of a civil court would be appealable under the Code of Civil Procedure, 1908 (Act V of 1908),

to the High Court within the limits of whose jurisdiction the Tribunal is situate.

41. *Restrictions on right of appeal in certain cases.*—Notwithstanding anything contained in section 40, where the subject-matter of the appeal relates to the amount of a debt and such amount on appeal is less than rupees five thousand, no appeal shall lie.

42. *Parties to appeals.*—For the purpose of any appeal under this Act, it shall be sufficient if only such persons as, in the opinion of the appellant, are necessary parties to the appeal for the purpose of determining the real questions in controversy between them, are impleaded as respondents to the appeal:

Provided that where it appears to the High Court at the hearing that any person who was a party to the proceeding before the Tribunal from whose decree the appeal is preferred but who has not been made a party to the appeal is interested in the result of the appeal, the Court may adjourn the hearing to a future date to be fixed by the Court and direct that such person be made a respondent.

CHAPTER V.

MISCELLANEOUS.

43. *Registration of certain societies and companies under Indian law.*—(1) Where the registered office of any society or company registered before the 15th day of August, 1947, under the Societies Registration Act, 1860 (XXI of 1860), or the Co-operative Societies Act, 1912 (II of 1912), or under any other law then in force in any Province for the registration of co-operative societies or the Indian Companies Act, 1913 (VII of 1913), is situated in the territory now forming part of West Pakistan but a majority of its members for the time being are resident in India, or, in the case of a company, more than thirty-three and one-third of its shares in value are being held by persons resident in India, the society, or company, as the case may be, may apply within one year from the commencement of this Act to the Registrar of Societies, Co-operative Societies or Companies, as the case may be, within the local limits of whose jurisdiction the majority of the members of the governing body * * * reside or carry on business, for the recognition of the society or company as such in India.

(2) The Registrar, after making such inquiry into the matter as he deems fit, may either accord such recognition or refuse to do so.

(3) An appeal shall lie from the order of the Registrar under sub-section (2) to the State Government and no order passed by the Registrar or by the State Government on appeal shall be called in question in any court.

(4) Where the Registrar accords recognition to a society, co-operative society or company, he shall cause necessary entries thereof to be made in his register and thereupon, notwithstanding anything to the contrary contained in any law for the time being in force or in any instrument, the society or the company, as the case may be, shall be deemed to have been formed and registered under the relevant law as in force in India, and every such society or company shall, among other matters, have the right to demand and receive any moneys due to it from any person residing or carrying on business in India.

44. *Bar of further applications in certain cases.*—Subject to the other provisions contained in this Act, where an application made by a displaced debtor under section 5 or under sub-section (2) of section 11, or by a displaced creditor under section 13 has been dismissed, no further application for the same purpose shall lie.

45. *Amendment of applications.*—Clerical or arithmetical mistakes in any application or in any schedule annexed thereto arising from any accidental slip or omission may at any time be corrected by the Tribunal, either of its own motion or on the application of any of the parties.

46. *Service of notices.*—Every notice issued under this Act shall be served by registered post, acknowledgment due, unless the Tribunal for reasons to be recorded, directs service in any of the other modes specified in Order V of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908).

47. *Effect of failure on the part of displaced debtor to disclose certain matters.*—Where a displaced debtor has not mentioned in the relevant schedule to his application any debt owing by him or any property, movable or immovable belonging to him, whether such property is liable to attachment * * * * or not liable to attachment at all, nothing contained in this Act shall prevent—

(*a*) in the case of the debt, the creditor from instituting any proceeding for the recovery thereof under any law for the time being in force other than this Act; and

(*b*) in the case of the property, from being attached or otherwise dealt with under any such law.

48. *Proceedings not to abate on death of debtor.*—Notwithstanding anything contained in this Act, no proceeding before a Tribunal shall be deemed to abate by reason merely of the death of the debtor who is a party to the proceeding, and a decree may be passed notwithstanding the death and such decree shall have the same force and effect as if it had been passed before the death took place:

Provided that the Tribunal on an application made in that behalf, shall cause the legal representative of the deceased debtor to be made a party to the proceeding, and any person so made a party may make any defence appropriate to his character as legal representative of the deceased debtor:

Provided further that nothing contained herein shall be deemed to render the legal representative of the deceased debtor liable to satisfy the decree except to the extent to which any of the assets of the deceased debtor have devolved on him.

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49. *Past transactions not to be affected.*—(1) If before the commencement of this Act a displaced debtor has * * satisfied or discharged any of his liabilities in any manner whatsoever, such transactions shall not be affected by anything contained in this Act.

(2) Where the Tribunal has determined the amount due in respect of any debt in accordance with the provisions of this Act, any payments including payments by way of interest, made by the displaced debtor towards the debt prior to such determination shall be adjusted towards the amount so determined:

Provided that no creditor shall be called upon to refund any amount paid to him if it is found that it is in excess of the amount determined as being due to him under this Act.

50. *Displaced debtor not to be deemed insolvent.*—Notwithstanding anything contained in any law for the time being in force relating to insolvency, no displaced debtor shall be deemed to be insolvent or to have been adjudicated as such within the meaning of any law for the time being in force relating to insolvency by reason only of his applying to get his debts adjusted under this Act, and no petition in insolvency shall lie against a displaced debtor in respect of any debt incurred by him before the 15th day of August, 1947.

51. *Compromises or arrangements between banks and their debtors not to be reopened in certain cases.*—Notwithstanding anything contained in this Act, no compromise or arrangement arrived at, whether before or after the commencement of this Act, between a displaced debtor and a bank relating to the repayment, discharge or satisfaction of any debt owing by the displaced debtor to the bank shall be reopened by the Tribunal and nothing contained in this Act shall affect any such compromise or arrangement :

Provided that there is in force in respect of the bank a compromise or arrangement between it and its own creditors or any class of such creditors which has been duly sanctioned by the court under section 153 of the Indian Companies Act, 1913 (VII of 1913) : and

Provided further that the particulars specified in clauses (*c*), (*cc*), (*ccc*), (*i*), (*g*), (*r*) and (*s*) of the proviso to sub-section (1) of section 60 of the Code of Civil Procedure, 1908 (Act V of 1908), as amended by section 31 of this Act, shall not be liable to attachment or sale in any proceeding against the displaced debtor.

52. *Communication of contents o decrees to prescribed authority.*—(1) Every Tribunal shall communicate to the prescribed authority, in such manner as may be prescribed, the amount of the prior charge declared under sub-section (3) of section 16, and shall also forward to it a copy of the decree passed on the application of a displaced debtor under section 5 or sub-section (2) of section 11 and also of any order passed under sub-section (5) of section 32, specifying the amount due to the creditor mentioned therein on the date of the order.

(2) The prescribed authority shall scale down the debts reported to him in accordance with sub-section (6) of section 32 and shall, subject to any rules made in this behalf, meet the prior charge of the secured creditor in accordance with sub-section (2) of section 16 in the first instance and thereafter distribute the balance of the compensation available for distribution within the meaning of sub-section (10) of section 32 rateably amongst the other decree-holders whose decrees have been reported to him :

Provided that in making any such reteable distribution the prescribed authority shall have due regard to the provisions contained in sub-section (2) of section 33.

(3) The balance from the amount of the compensation payable shall be refunded to the displaced debtor.

(4) Any amount paid by the prescribed authority to any decree-holder under the provisions of this section shall, to that extent, be a valid discharge of the debt due by the displaced debtor.

53. *Application of the Limitation Act.*—Subject to the other provisions contained in this Act, the Indian Limitation Act, 1908 (IX of 1908) shall apply to the institution of any proceeding under this Act, and for the purpose

of determining and computing the period of limitation prescribed by that Act in relation thereto, every application made under this Act shall be deemed to be a suit for the purpose of that Act.

54. *Order XXXVIII of the First Schedule to Code of Civil Procedure not to apply.*—Nothing contained in Order XXXVIII of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), relating to arrest and attachment before judgment, shall apply to any proceeding under this Act.

55. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Government or any person, in respect of anything done or intended to be done by it or him in good faith in pursuance of this Act or of any rule or order made thereunder.

56. *Delegation of powers.*—The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act may also be exercised by such officer or authority subordinate to the Central Government or by the State Government or by any officer or authority subordinate to the State Government as may be specified in the direction.

57. *Power of Central Government to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the provisions contained in sub-section (1), the rules so made may provide for all or any of the following matters, namely :—

(*a*) the additional particulars, if any, which an application under section 5, should contain ;

(*b*) the form in which notices under this Act may be issued ;

(*c*) the form in which applications under section 10 or section 13 may be made ;

(*d*) the registers which should be maintained under this Act ;

(*e*) the authorities required to be prescribed under this Act ;

(*f*) the board or other authority to which any report under sub-section (2) of section 18 may be made and the matters which such board or other authority should take into account in making its report.

58. *Power of State Government to make rules.*—The State Government may, by notification in the Official Gazette, make rules providing for—

(*a*) the distribution of business amongst the various Tribunals within the State ;

(*b*) the manner in which copies of documents produced before the Tribunals should be certified ;

(*c*) the returns to be made by the Tribunals and the authorities to which they may be so made.

59. *Repeals.*—Save as otherwise provided in section 36, the Displaced Persons (Institution of Suits) Act, 1948 (XLVII of 1948) and the Displaced Persons (Legal Proceedings) Act, 1949 (XXV of 1949) shall cease to apply to displaced persons as defined in this Act.

The following Report of the Select Committee on the Bill to regulate the profession of notaries, was presented to Parliament on the 4th October, 1951 :—

We, the undersigned, members of the Select Committee to which the Bill to regulate the profession of notaries was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

Clause 3.—We apprehend that all persons applying to be appointed as notaries whether by the Central Government or by a State Government may not be fully qualified to perform all the functions mentioned in clause 8. In such cases, it would be desirable to restrict them to a limited class of functions and make it a condition of their appointment. We have accordingly inserted in clause 3 the words "on such condition, if any, as it thinks fit" and added a proviso to clause 8 (1) to the effect that a notary should not do any act which, by the terms of his appointment, he is not authorised to do.

We also recommend that the appointment of notaries should be restricted—at any rate in the initial stages—to the more important commercial towns where there is a real need for notaries. The Central Government as well as the State Governments should also give careful consideration to the number of persons required to perform notarial functions in those towns and appoint only so many as may be necessary.

Clause 5.—We recommend that persons who were appointed as notaries public on payment of fees should not be made liable to pay the prescribed fees under this clause and exemption should be granted to them under clause 15 (2) (*c*).

Clause 8.—We consider that notaries should not only note or protest the dishonour of certain instruments but they should also protest for better security and prepare acts of honour. They should also be allowed to serve notices of such note or protest. We have amended clause 8 (1) (*c*) accordingly.

We think that notaries should be allowed to note and draw up boat's protest as well and clause 8 (1) (*d*) has accordingly been amended.

We have amended clause 8 (1) (f) by allowing notaries to prepare charter parties also.

We consider that preparation of any instrument relating to movable or immovable property in India need not be a notarial act and we have omitted clause 8 (1) (*g*).

We have made a drafting change in clause 8 (1) (*h*).

We have also inserted a proviso to clause 8 (1) to the effect that a notary should not do any act which, by the terms of his appointment, he is not authorised to do.

Clause 12.—We consider that the penalty of fine provided in this clause may not be adequate for all cases. We have accordingly provided that a notary punishable under this clause may be punished with imprisonment which may extend to three months, or with fine or with both.

Clause 13.—We consider that the protection given to persons under this clause in respect of cognizance of offences is very wide. We think that such protection should be given only to notaries who commit an offence acting or

purporting to act in the discharge of their functions under this Act. We have amended the clause accordingly.

New Clause 14.—We have inserted a new clause 14 to provide that notarial acts done in foreign countries may be recognised in our country on reciprocal basis.

Clause 15 (original clause 14).—We have slightly amended clause 15(2) (h) to enable the Central Government to make rules to regulate the manner in which the notaries should perform their functions.

2. The Bill was published in Part II—Section 2 of the *Gazette of India* dated the 28th April 1951.

3. We think that the Bill has not been so altered as to require circulation under Rule 77 (4) of the Rules of Procedure and Conduct of Business in Parliament and we recommend that it be passed as now amended.

B. R. AMBEDKAR.
R. K SIDHVA.
GOKULBHAI D. BHATT.
THAKUR DAS BHARGAVA.
ARUN CHANDRA GUHA.
TEK CHAND.
DESHBANDHU GUPTA.
ROHINI KUMAR CHAUDHURI.
B. P. JHUNJHUNWALA.

NEW DELHI;
The 4th October, 1951.

NOTIFICATION.

No. L.D. 1519—Legis. 8-51-36, Bangalore, dated 12th November 1951.

Ordered that the Appropriation (Railways No. 4) Bill, 1951 (Central Bill No. 84 of 1951), and the Appropriation (No. 3) Bill, 1951 (Central Bill No. 83 of 1951), published in the *Gazette of India*, Part II, Section 2, dated the 6th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

The following Bills were introduced in Parliament on the 29th September 1951 :—

BILL *No. 84 OF 1951.

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March 1952 for the purposes of railways.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Appropriation (Railways) No. 4 Act, 1951.

2. **Issue of Rs. 8,64,22,000 out of the Consolidated Fund of India for the year 1951-52.**—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of eight crores, sixty-four lakhs and twenty-two thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March 1952, in respect of the services relating to railways specified in column 2 of the Schedule.

3. **Appropriation.**—The sums authorised to be paid applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March 1952.

*The President has, in pursuance of clauses (1) and (3) of article 117 of the Constitution of India, recommended to Parliament the introduction and consideration of the Bill.

SCHEDULE.

(*See* sections 2 and 3).

1	2	3		
No. of Vote	Services and Purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
2	Audit	58,000	...	58,000
4	Working Expenses— Administration	49,30,000	...	49,30,000
5	Working Expenses— Repairs and Maintenance ...	1,37,13,000	...	1,37,13,000
6	Working Expenses— Operating Staff	1,04,42,000	...	1,04,42,000
8	Working Expenses— Operation (Other than Staff and Fuel).	13,73,000	...	13,73,000
9	Working Expenses— Miscellaneous Expenses ...	99,54,000	...	99,54,000
9A	Working Expenses— Labour Welfare	9,52,000	...	9,52,000
16	Open Line Works— Additions	4,21,25,000	...	4,21,25,000
17	Open Line Works— Replacements	28,75,000	...	28,75,000
	GRAND TOTAL ...	8,64,22,000	...	8,64,22,000

STATEMENT OF OBJECTS AND REASONS.

This Bill is introduced in pursuance of Article 114 (1) of the Constitution of India, read with Article 115 thereof to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the Supplementary grants made by Parliament for expenditure of the Central Government on Railways for 1951-52.

NEW DELHI,
The 28th September, 1951.

N. GOPALASWAMI.

BILL No. 83 OF 1951 136

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March, 1952.

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Appropriation (No. 3) Act, 1951.

2. *Issue of Rs. 28,75,82,000 out of Consolidated Fund of India for the year 1951-52.*—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of twenty-eight crores, seventy-five lakhs and eighty-two thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March 1952, in respect of the services specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March 1952.

THE SCHEDULE

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(See sections 2 and 3)

1	2	3		
No. of Vote	Services and Purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Ministry of Commerce and Industry.	3,00,000	...	3,00,000
2	Industries ...	89,49,000	...	89,49,000
3	Commercial Intelligence and Statistics.	3,00,000	...	3,00,000
5	Indian Posts and Telegraphs Department (including working expenses).	1,83,00,000	...	1,83,00,000
18	Ministry of External Affairs ...	77,000	...	77,000
19	Tribual Areas ...	1,30,000	...	1,30,000
20	External Affairs ...	33,87,000	...	33,87,000
21	Ministry of Finance ...	8,25,000	...	8,25,000
23	Union Excise Duties ...	10,00,000	...	10,00,000
24	Taxes on Income including Corporation Tax.	11,55,000	...	11,55,000
25	Opium ...	11,00,000	...	11,00,000
28	Audit ...	6,50,000	...	6,50,000
29	Joint Stock Companies ...	60,000	...	60,000
30	Miscellaneous Departments ...	1,47,000	...	1,47,000
34	Miscellaneous ...	15,25,40,000	...	15,25,40,000
35	Grants-in-aid to States ...	2,58,14,000	...	2,58,14,000
37	Resettlement and Development ...	10,14,000	...	10,14,000
38	Pre-partition Payments * ...	30,00,000	...	30,00,000
40	Ministry of Food and Agriculture	3,77,000	...	3,77,000
45	Agriculture	17,44,000	...	17,44,000
46	Civil Veterinary Services ...	4,79,000	...	4,79,000
47	Indian Dairy Department ...	1,00,000	...	1,00,000
49	Medical Services ...	95,000	...	95,000
53	Police ...	5,79,000	...	5,79,000
56	Delhi ...	8,72,000	...	8,72,000
57	Ajmer ...	11,34,000	...	11,34,000
63	Administration of Justice ...	10,000	10,000	20,000
70	Ministry of Rehabilitation ...	1,82,000	...	1,82,000
71	Expenditure on Displaced Persons	4,00,00,000	...	4,00,00,000
72	Ministry of States ...	5,00,000	...	5,00,000
73	Territorial and Political Pensions	..	78,27,000	78,27,000
74	Kutch ...	1,53,000	...	1,53,000
75	Himachal Pradesh ...	5,73,000	...	5,73,000
77	Bhopal ...	4,87,000	...	4,87,000
78	Vindya Pradesh ...	50,000	...	50,000
79	Manipur ...	1,27,000	...	1,27,000
80	Tripura ...	8,02,000	...	8,02,000
81	Relations with States ...	5,68,000	...	5,68,000
88	Supplies ...	2,32,000	...	2,32,000
91	Stationary and Printing ...	3,00,000	...	3,00,000
98	Capital Outlay on Industrial Development.	1,000	...	1,000
100	Capital Outlay on Schemes of Government Trading.	1,000	...	1,000
105	Loans and Advances by the Central Government.	...	1,16,31,000	1,16,31,000
	TOTAL ...	26,81,14,000	1,94,68,000	28,75,82,000

* The President has, in pursuance of clauses (1) and (3) of article 117 of the Constitution of India recommended to Parliament the introduction and consideration of the Bill.

STATEMENT OF OBJECTS AND REASONS 138

This Bill is introduced in pursuance of article 114 (1) of the Constitution of India, read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the Supplementary expenditure charged on the Consolidated Fund and the grants made by Parliament for expenditure of the Central Government, excluding Railways, for 1951-52.

C. D. DESHMUKH.

NEW DELHI,
The 27th September, 1951.

NOTIFICATION.

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No. L.D. 1518—Legis. 3-51-35, dated Bangalore, 12th November 1951.

Ordered that the Representation of the People (Second Amendment) Bill, 1951 (Central Bill No. 82 of 1951), published in the *Gazette of India*, Part II, Section 2, dated the 6th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

The following Bills were introduced in Parliament on the 1st October, 1951 :—

BILL No. 82 OF 1951

A Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951.

BE it enacted by Parliament as follows :—

PART I.

PRELIMINARY.

1. *Short title.*—This Act may be called the Representation of the People (Second Amendment) Act, 1951.

PART II.

AMENDMENT OF ACT XLIII OF 1950.

2. *Amendment of section 2, Act XLIII of 1950.*—In section 2 of the Representation of the People Act, 1950 (hereinafter in this Part referred to as the principal Act), after clause (f) the following clause shall be inserted, namely :—

"(ff) 'Part B tribal areas' means the tribal areas of Assam specified in Part B of the table appended to paragraph 20 of the Sixth Schedule to the Constitution ;".

3. *Amendment of section 3, Act XLIII of 1950.*—In sub-section (2) of section 3 of the principal Act,—

(*a*) after the words "to each State" the words "and the areas" shall be inserted ;

(*b*) after the words "opposite to that state" the words "and those areas respectively" shall be added.

4. *Amendment of section 4, Act XLIII of 1950.*—In sub-section (1) of section 4 of the principal Act, for the words "and to the Andaman and Nicobar Islands" the words ", to the Andaman and Nicobar Islands and to the Part B tribal areas" shall be substituted.

5. *Amendment of the First Schedule, Act XLIII of 1950.*—In the First Schedule to the principal Act,—

(*a*) in the heading to column 1, after the words "Name of State" the words "or areas" shall be inserted ;

(*b*) in columns 1 and 2, after the entries under the sub-heading "Part C States" the following sub-heading and entries shall be inserted, namely :—

"1	2
Areas	
12. Part B tribal areas.	1";

(*c*) in column 2, for the figures "496" the figures "497" shall be substituted.

6. *Amendment of the Sixth Schedule, Act XLIII of 1950.*—In the Sixth Schedule to the principal Act, under the sub-heading "Himachal Pradesh"—

(*a*) the entry "8. Besi." shall be omitted ;

(*b*) entries 9 to 15 shall be re-numbered as entries 8 to 14, respectively

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(c) after entry 14 as so re-numbered, the following entry shall be inserted, namely :—

"15. Hesi."

7. *Amendment of the Seventh Schedule, Act XLIII of 1950.*—In the Seventh Schedule to the principal Act, for the entries 1 to 10 under the sub-heading "Vindhya Pradesh", the following entries shall be substituted, namely :—

"1.	Agariya,	8.	Kamar,
2.	Baiga,	9.	Khairwar,
3.	Bedia,	10.	Majhi,
4.	Bhil,	11.	Mawasi,
5.	Bhumiya,	12.	Panika,
6.	Biar (Biyar),	13.	Pao,
7.	Gond,	14.	Sonr."

PART III.

AMENDMENT OF ACT XLIII OF 1951.

8. *Amendment of section 4, Act XLIII of 1951.*—In section 4 of the Representation of the People Act, 1951 (hereinafter in this Part referred to as the principal Act), for the words "or to the Andaman and Nicobar Islands" the words ", to the Andaman and Nicobar Islands or to the Part B tribal areas" shall be substituted.

9. *Amendment of section 39, Act XLIII of 1951.*—In Sub-section (2) of section 39 of the principal Act, after the words and figures "under section 12 or section 18" the words "or under any of the provisions of this Part" shall be inserted.

10. *Amendment of section 58, Act XLIII of 1951.*—In section 58 of the principal Act—

(a) to sub-section (1), the following proviso shall be added, namely :—

'Provided that where a polling station has more than one polling booth and any such ballot box as aforesaid was used at one of such polling booths, the election to which such ballot box relates shall be void only in respect of the polling at the polling booth at which such box was used and no further.';

(b) in sub-section (2)—

(i) after the words "at the place fixed for the poll" the words "or at any polling booth" shall be inserted ;

(ii) after the words "or in such place fixed for the poll" the words "or in such polling booth, as the case may be" shall be inserted ;

(c) in sub-section (3), after the words "place fixed for the poll" the words "or in such polling booth" shall be inserted.

Statement of objects and reasons.

Under the Constitution the tribal areas specified in Part B of the Table appended, to paragraph 20 of the Sixth Schedule thereto are comprised within the State of Assam but their administration is carried on by the President through the Governor of Assam as an agent on the same footing as a territory specified in Part D of the First Schedule. These areas have accordingly been taken out of the purview of clause (1) of article 81 and article 170 of the Constitution so far as Assam is concerned by the Constitution (Removal of Difficulties) Order No. VIII

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made by the President under article 392 of the Constitution. Clause (2) of article 81 and article 82 of the Constitution were also amended by the said Order so as to confer power on Parliament to provide for the representation of those areas in the House of the People. No provision has however been made in the Representation of the People Act, 1950, for the representation of these areas in the House of the People. Clauses 2 to 5 of the Bill seek to make provisions for the representation of the said areas in the House of the People. Clause 8 of the Bill seeks to make a consequential amendment in section 4 of the Representation of the People Act, 1951 (XLIII of 1951).

2. Clauses 6 and 7 of the Bill seek to correct certain minor mistakes in the list of Scheduled Castes in Himachal Pradesh and in the list of Scheduled Tribes in Vindhya Pradesh contained respectively in the Sixth and Seventh Schedules to the Representation of the People Act, 1950.

3. Opportunity has also been taken to make certain essential amendments in sections 39(2) and 58 of the Representation of the People Act, 1951.

Clause 9 which amends sub-section (2) of section 39 of the said Act seeks to supply an omission in the said sub-section.

Section 58 provides for the taking of a fresh poll in a polling station in the case where any ballot box used at such polling station has been destroyed or tampered with. This provision will necessitate the taking of a fresh poll in the whole of the polling station even in the case where a polling station has more than one polling booth and the ballot box which has been so destroyed or tampered with had been used at one of such booths. The amendment proposed in section 58 by clause 10 of the Bill seeks to restrict the holding of a fresh poll in such cases only to the polling booth where the ballot box which has been destroyed or tampered with was used so that the voters who were entitled to vote at such polling booth will only be required to vote during such fresh election.

NEW DELHI,
The 28th September, 1951.

B. R. AMBEDKAR.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

NOTIFICATION

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No. L. D. 2070—Legis. 3-51-40, dated Bangalore, 18th February 1952.

Ordered that the Presidential and Vice-Presidential Elections Bill, 1952 (Central Bill No. 1 of 1952), published in the *Gazette of India*, Part II, Section 2, dated the 26th January 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

PARLIAMENT OF INDIA.

NOTIFICATION.

New Delhi, the 21st January 1952.

No. F. 111-L/52.—Under Rule 55 of the Rules of Procedure and Conduct of Business in Parliament, the Speaker has been pleased to order the publication in the *Gazette of India* of the following Bill, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons accordingly published for general information :—

BILL NO. 1 OF 1952.

A Bill to regulate certain matters relating to or connected with elections to the offices of President and Vice-President of India.

BE it enacted by Parliament as follows :—

PART I.

PRELIMINARY.

1. Short title.—This Act may be called the Presidential and Vice-Presidential Elections Act, 1952.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "article" means an article of the Constitution ;

(*b*) "election" means a presidential election or vice-presidential election ;

(*c*) "Election Commission" means the Election Commission appointed by the President under article 324 ;

(*d*) "prescribed" means prescribed by rules made under this Act ;

(*e*) "presidential election" means an election to fill the office of the President of India ;

(*f*) "vice-presidential election" means an election to fill the office of the Vice-President of India.

PART II. 144

CONDUCT OF PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS.

3. Returning Officer and his assistants.—(1) The Central Government shall, in consultation with the Election Commission, appoint an officer of Government to be the Returning Officer for the purposes of each election under this Act and may also appoint one or more Assistant Returning Officers.

(2) Subject to rules made under this Act, every Assistant Returning Officer shall be competent to perform all or any of the functions of the Returning Officer.

4. Appointment of dates for nominations, etc.—(1) The Election Commission shall, by notification in the Official Gazette, appoint for every election—

(*a*) the last date for making nominations which shall be a date not later than the fourteenth day and not earlier than the eighth day after the date of publication of the notification under this sub-section;

(*b*) a date for the scrutiny of nominations which shall be a date not later than the third day after the last date for making nominations;

(*c*) the last date for the withdrawal of candidatures which shall be the third day after the date for the scrutiny of nominations;

(*d*) the date or dates on which a poll shall, if necessary, be taken, which, or the first of which, shall be a date not earlier than the tenth day after the last date for the withdrawal of candidatures.

(2) In the case of the first presidential and vice-presidential elections, the notifications under sub-section (1) shall be issued as soon as may be after both Houses of Parliament have been first constituted.

(3) In the case of an election to fill a vacancy caused by the expiration of the term of office of the President or Vice-President, the notification under sub-section (1) shall be issued on, or as soon as conveniently may be after, the sixtieth day before the expiration of the term of office of the outgoing President or Vice-President, as the case may be, and the dates appointed under the said sub-section shall be so selected that the election will be completed at such time as will enable the President or the Vice-President thereby elected to enter upon his office on the day following the expiration of the term of office of the outgoing President or Vice-President, as the case may be.

(4) In the case of an election to fill a vacancy in the office of President or Vice-President occurring by reason of his death, resignation or removal or otherwise, the notification under sub-section (1) shall be issued as soon as may be after the occurrence of such vacancy.

5. Nomination of candidates.—Any person may be nominated as a candidate for election to the office of President or Vice-President if he is qualified to be elected to that office under the Constitution.

6. Withdrawal of Candidature.—(1) Any candidate may withdraw his candidature by a notice in writing in the prescribed form subscribed by him and delivered before three o'clock in the afternoon on the date fixed under clause (c) of sub-section (1) of section 4, to the Returning Officer either by such candidate in person or by his proposer or seconder who has been authorised in this behalf in writing by such candidate:

Provided that if that day is a public holiday within the meaning of section 25 of the Negotiable Instruments Act, 1881 (XXVI of 1881) or has been notified by the

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Central Government as a day to be observed as a holiday in its offices in New Delhi, the notice of withdrawal of candidature shall be considered as having been delivered in due time if it is delivered before three o'clock in the afternoon on the next succeeding day which is neither such a public holiday nor a day so notified.

(2) No person who has given a notice of withdrawal of his candidature under sub-section (1) shall be allowed to cancel the notice.

(3) The Returning Officer shall, on receiving a notice of withdrawal under sub-section (1), as soon as may be thereafter, cause a notice of the withdrawal to be affixed in some conspicuous place in his office.

7. Appointment of election agent.—(1) Every person nominated as a candidate at an election shall, if it is so prescribed, appoint either himself or some one other person to be his election agent.

(2) Every such appointment shall be made at such time and in such manner as may be prescribed.

8. Death of Candidate before poll.—If a candidate who has been duly nominated under this Act dies after the date fixed for the scrutiny of nominations and a report of his death is received by the Returning Officer before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Election Commission and also to the Central Government, and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election :

Provided that no further nomination shall be necessary in the case of a candidate whose nomination was valid at the time of the countermanding of the poll :

Provided further that no person who has under sub-section (1) of section 6 given a notice of withdrawal of his candidature before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

9. Procedure in contested and uncontested elections.—If after the expiry of the period within which candidatures may be withdrawn under sub-section (1) of section 6—

(*a*) there is only one candidate who has been validly nominated and has not withdrawn his candidature in the manner and within the time specified in that sub-section, the Returning Officer shall forthwith declare such candidate to be duly elected to the office of President or Vice-President, as the case may be;

(*b*) the number of candidates who have been duly nominated but have not so withdrawn their candidatures exceeds one, the Returning Officer shall forthwith publish in such form and manner as may be prescribed a list containing the names in alphabetical order and addresses of candidates as given in the nomination papers, together with such other particulars as may be prescribed, and a poll shall be taken;

(*c*) there is no candidate who has been duly nominated and has not so withdrawn his candidature, the Returning Officer shall report the fact to the Election Commission and the Central Government, and thereafter all the proceedings in relation to the election shall be commenced afresh and for that purpose the Election Commission shall cancel the notification issued under sub-section (1) of section 4 in respect of such election and issue another notification under that sub-section appointing the dates referred to in that sub-section for the purposes of such fresh election.

10. Manner of voting at elections.—At every election where a poll is taken, votes shall be given by ballot in such manner as may be prescribed, and no votes shall be received by proxy.

11. Counting of votes.—At every election where a poll is taken, votes shall be counted by, or under the supervision of the Returning Officer and each candidate and one representative of each candidate authorised in writing by the candidate, shall have a right to be present at the time of counting.

12. Declaration of results.—When the counting of the votes has been completed, the Returning Officer shall forthwith declare the result of the lection in the manner provided by this Act or the rules made thereunder.

13. Report of the result.—As soon as may be after the result of an election has been declared, the Returning Officer shall report the result to the Central Government and the Election Commission, and the Central Government shall cause to be published in the Official Gazette the declaration containing the name of the person elected to the office of President or Vice-President, as the case may be.

PART III.

DISPUTES REGARDING ELECTIONS.

14. Definitions.—In this Part and in Part IV, unless the context otherwise requires—

(*a*) "agent" includes an election agent and any person who, on the trial of an election petition under this Part or of an offence with respect to an election, is held to have acted as an agent in connection with the election with the knowledge or consent of the candidate;

(*b*) "candidate" means a person who has been or claims to have been duly nominated as a candidate at an election, and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect, he began to hold himself out as a prospective candidate;

(*c*) "costs" means all costs, charges and expenses of, or incidental to, a trial of an election petition;

(*d*) "electoral right" means the right of a person to stand or not to stand as, or to withdraw from being, a candidate, or to vote or refrain from voting at an election;

(*e*) "returned candidate" means a candidate whose name has been published under section 13 as duly elected.

15. Election petitions.—(1) No election shall be called in question except by an election petition presented to the Supreme Court in accordance with the provisions of this Part and of the rules made by the Supreme Court under Article 145.

(2) An election petition calling in question an election may be presented on one or more of the grounds specified in sub-section (1) of section 19 and section 20 to the Supreme Court by any candidate at such election or by any person entitled to vote at such election.

(3) Every such petition shall be presented within such time but not earlier than the date of publication of the declaration containing the name of the returned candidate at the election under Section 13 as may be prescribed.

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16. Form of petitions, etc. and procedure.—Subject to the provisions of this Part, rules made by the Supreme Court under Article 145 may regulate the form of election petitions, the manner in which they are to be presented, the persons who are to be made parties thereto, the procedure to be adopted in connection therewith and the circumstances in which petitions are to abate, or may be withdrawn, and in which new petitioners may be substituted, and may require security to be given for costs.

17. Relief that may be claimed by the petitioner.—A petitioner may claim either of the following declarations :—

(*a*) that the election of the returned candidate is void ;

(*b*) that the election of the returned candidate is void and that he himself or any other candidate has been duly elected.

18. Orders of the Supreme Court.—(1) At the conclusion of the trial of the election petition, the Supreme Court shall make an order—

(*a*) dismissing the election petition ; or

(*b*) declaring the election of the returned candidate to be void ; or

(*c*) declaring the election of the returned candidate to be void and the petitioner or any other candidate to have been duly elected.

(2) At the time of making an order under sub-section (1), the Supreme Court shall also make an order fixing the total amount of costs payable and specifying the persons by and to whom costs shall be paid.

19. Grounds for declaring the election of a returned candidate to be void.—(1) Subject to the provisions of sub-section (2), if the Supreme Court is of opinion—

(*a*) that the election of a returned candidate has been procured or induced, or the result of the election has been materially affected, by any corrupt practice ; or

(*b*) that any corrupt practice referred to in clause (*a*) of section 22 has been committed by the returned candidate or his agent or by any other person with the connivance of the returned candidate or his agent; or

(*c*) that the result of the election has been materially affected by the improper acceptance or rejection of any nomination, or by the improper reception or refusal of a vote or by the reception of any vote which is void, or by any non-compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act or of any other Act or rules relating to the election or by any mistake in the use of any prescribed form,

the Supreme Court shall declare the election of the returned candidate to be void.

(2) If, in the opinion of the Supreme Court, the returned candidate has been guilty by an agent other than his election agent, if any, of any corrupt practice referred to in clause (*a*) of section 22, but the Supreme Court is satisfied—

(*a*) that no such corrupt practice was committed at the election by the candidate or his election agent and every such corrupt practice was committed contrary to the orders and without the sanction or connivance of the candidate or his election agent;

(*b*) that all such corrupt practices were of a trivial and limited character or took the form of customary hospitality which did not affect the result of the election ;

(c) that the candidate and his election agent, if any, took all reasonable means for preventing the commission of corrupt practices at the election; and

(d) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents, then the Supreme Court may decide that the election of the returned candidate is not void.

20. Grounds for which a candidate other than the returned candidate may be declared to have been elected.—If any person who has lodged an election petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the Supreme Court is of opinion—

(a) that in fact the petitioner or such other candidate received a majority of the valid votes; or

(b) that but for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a majority of the valid votes,

the Supreme Court shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.

21. Transmission of orders to the Central Government and its publication.—The Supreme Court shall, after announcing the orders made under section 18, send a copy thereof to the Central Government, and on receipt of such copy the Central Government shall forthwith cause the order to be published in the Official Gazette.

PART IV.

CORRUPT PRACTICES AND ELECTORAL OFFENCES.

22. Corrupt practices.—For the Purposes of this Act, the practices specified in—

(a) clauses (1), (2), (3), (5), (7) and (8) of section 123 of the Representation of the People Act, 1951 (XLIII of 1951), and

(b) clauses (1), (3), (4) and (5) of section 124 of the said Act, shall be deemed to be corrupt practices, and the said clauses shall, in relation to a presidential election or vice-presidential election, have effect subject to the following modifications, namely:—

(i) that in the *Explanation* to clause (1) of section 123 for the words and figures "referred to in section 76" the words "if any, prescribed" shall be substituted :—

(ii) that in clause (3) of the said section, for the words "in the same or some other constituency" the words "at the same election" shall be substituted ;

(iii) that from clause (7) of the said section, the words " or the employment of any person by a candidate or his agent" shall be omitted ;

(iv) that the *Explanation* to clause (8) of the said section shall be omitted ;

(v) that in clause (1) of section 124, the reference to clauses (1) to (8) of section 123 shall be construed as a reference to clauses (1), (2), (3), (5), (7) and (8) of section 123 as so modified ;

(vi) that any reference to the Representation of the People Act, 1951 (XLIII of 1951) in those clauses shall be construed as a reference to this Act.

23. Electoral offences.—The provisions of sections 128, 129, 134, 136 and 137 of the Representation of the People Act, 1951 (XLIII of 1951), shall apply in relation to a presidential election and vice-presidential election and to any candidate at either of such elections as they apply in relation to an election to either House of Parliament and to any candidate at such election subject to the following modifications, namely :—

(*a*) that any reference to the Representation of the People Act, 1951 (XLIII of 1951) or the Representation of the People Act, 1950 (XLIII of 1950) in those provisions shall be construed as a reference to this Act; and

(*b*) that the references to a Regional Commissioner appointed under clause (4) of article 324 and to the Chief Electoral Officer in section 137 shall be omitted.

PART V.

MISCELLANEOUS.

24. Power to make rules.—(1) The Central Government may, after consulting the Election Commission by Notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely :—

(*a*) the maintenance of a list of members of the electoral college referred to in article 54 with their addresses corrected up-to-date for the purposes of presidential elections;

(*b*) the maintenance of a list of members of both Houses of Parliament with their addresses corrected up-to-date for the purposes of vice-presidential elections;

(*c*) the powers and duties of a Returning Officer and the performance by any officer appointed to assist the Returning Officer of any function of the Returning Officer;

(*d*) the form and manner in which nominations may be made and the procedure to be followed in respect of the presentation of nomination papers;

(*e*) the scrutiny of nominations and, in particular, the manner in which such scrutiny shall be conducted and the conditions and circumstances under which any person may be present or may enter objections thereat;

(*f*) the publication of a list of valid nominations;

(*g*) the appointment and the revocation of the appointment of election agent and the duties of such agent;

(*h*) the place and hours of polling, the manner in which votes are to be given and the procedure as to voting to be followed at elections;

(*i*) the scrutiny and counting of votes including cases in which a re-count of the votes may be made before the declaration of the result of the election;

(*j*) the safe custody of ballot boxes, ballot papers and other election papers, the period for which such papers shall be preserved and the inspection and production of such papers;

(*k*) any other matter required to be prescribed by this Act.

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25. Jurisdiction of civil courts barred.—Save as provided in Part III, no civil court shall have jurisdiction to question the legality of any action taken or of any decision given by the Returning Officer or by any other person appointed under this Act in connection with an election.

STATEMENT OF OBJECTS AND REASONS.

Article 54 of the Constitution provides that the President of India shall be elected by the members of an electoral college consisting of (*a*) the elected members of both Houses of Parliament and (*b*) the elected members of the Legislative Assemblies of the States, and article 55 prescribes the manner in which the election shall be held. Article 66 provides that the Vice-President shall be elected by the members of both Houses of Parliament assembled at a Joint meeting. Article 71 (1) lays down that doubts and disputes arising out of or in connection with the election of a President or Vice-President shall be inquired into and decided by the Supreme Court. Article 71 (3) authorises Parliament to regulate by law, subject to the provisions of the Constitution, any matter relating to or connected with the election of a President or Vice-President.

The Bill seeks to provide for the conduct of elections to the offices of President and Vice-President, the decision of disputes arising out of or in connection with such elections, the corrupt practices and other offences at or in connection with such elections and other ancillary matters.

KAILAS NATH KATJU.

NEW DELHI;

The 17th January 1952.

M. N. KAUL,
Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L-D. 2349—Legis. 4-51-113, dated Bangalore, 12th March 1952.

Ordered that the Appropriation (Vote on Account) Act, 1952, (Central Act No. XXVIII of 1952) published in the *Gazette of India*, Part II, Section 1, dated the 7th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW.

Received Assent on 7th March 1952.

THE APPROPRIATION (VOTE ON ACCOUNT) ACT, 1952.

(XXVIII of 1952).

AN

ACT

to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1952-53.

Be it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Appropriation (Vote on Account) Act, 1952.

2. *Withdrawal of Rs. 6,67,95,07,000 from and out of the Consolidated Fund of India for the financial year 1952-53.*—From and out of the Consolidated Fund of India there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of six hundred and sixty-seven crores, ninety-five lakhs, and seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1952-53.

3. *Appropriation.*—The sums authorised to be withdrawn from and out of the Consolidated Fund by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE

(*See* sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Ministry of Commerce and Industry ...	23,57,000	...	23,57,000
2	Industries	46,14,000	...	46,14,000
3	Commercial Intelligence and Statistics ...	15,22,000	...	15,22,000
4	Miscellaneous Departments and Expenditure under the Ministry of Commerce and Industry.	7,20,000	...	7,20,000
5	Ministry of Communications	2,05,000	...	2,05,000
6	Indian Posts and Telegraphs Department (including Working Expenses.)	12,83,05,000	47,28,000	13,30,33,000
7	Meteorology	34,73,000	...	34,73,000
8	Overseas Communications Service ...	27,20,000	1,17,000	28,37,000
9	Aviation	93,10,000	...	93,10,000

SCHEDULE—*contd.*

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1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
10	Miscellaneous Departments and Expenditure under the Ministry of Communications.	1,82,000	...	1,82,000
11	Ministry of Defence	8,61,000	...	8,61,000
12	Defence Services—Effective Army ...	53,02,01,000	...	53,02,01,000
13	Do do Navy ...	3,74,43,000	...	3,74,43,000
14	Do do Air Force ...	7,74,04,000	...	7,74,04,000
15	Do Non-Effective Charges ...	5,20,19,000	2,000	5,20,21,000
16	Miscellaneous Expenditure under the Ministry of Defence.	1,67,000	...	1,67,000
17	Ministry of Education	11,81,000	...	11,81,000
18	Archaeology	12,88,000	...	12,88,000
19	Other Scientific Departments	56,67,000	...	56,67,000
20	Education	1,23,15,000	...	1,23,15,000
21	Miscellaneous Departments and Expenditure under the Ministry of Education.	9,00,000	...	9,00,000
22	Tribal Areas	98,47,000	...	94,47,000
23	External Affairs	1,65,46,000	...	1,65,46,000
24	Miscellaneous Expenditure under the Ministry of External Affairs.	1,68,000	...	1,68,000
25	Ministry of Finance	39,57,000	...	39,57,000
26	Customs	85,25,000	...	85,25,000
27	Union Excise Duties	1,67,96,000	...	1,67,96,000
28	Taxes on Income including Corporation Tax ...	1,09,53,000	...	1,09,53,000
29	Opium	2,39,10,000	...	2,39,10,000
30	Stamps	31,68,000	1,90,000	33,58,000
31	Payments to other Governments Departments, etc.	4,28,000	...	4,28,000
32	Audit	1,46,25,000	4,45,000	1,50,70,000
33	Currency ... — ...	73,14,000	1,01,000	74,15,000
34	Mint	32,52,000	...	32,52,000
35	Territorial and Political Pensions	7,67,000	...	7,67,000
36	Superannuation Allowances and Pensions ...	1,09,87,000	2,79,000	1,12,66,000
37	Miscellaneous Departments and Expenditure under the Ministry of Finance.	52,88,000	...	52,88,000
38	Grants-in-aid to States.	8,85,96,000	1,27,50,000	10,13,46,000
39	Miscellaneous Adjustments between the Union and State Governments.	43,000	...	43,000
40	Pre-partition Payments	52,92,000	41,000	53,33,000
41	Extraordinary Payments	3,08,17,000	...	3,08,17,000
	Charged—Interest on Debt and Other Obligations and Reduction or Avoidance of Debt.	...	20,00,00,000	20,00,00,000
42	Ministry of Food and Agriculture ...	15,55,000	...	15,55,000
43	Forest	12,11,000	...	12,11,000
44	Survey of India	34,08,000	...	34,08,000
45	Botanical Survey	49,000	...	49,000
46	Zoological Survey	1,42,000	...	1,42,000
47	Agriculture	99,74,000	...	99,74,000
48	Civil Veterinary Services	9,67,000	...	9,67,000
49	Miscellaneous Expenditure under the Ministry of Food and Agriculture.	3,37,85,000	...	3,37,85,000
50	Ministry of Health	2,02,000	...	2,02,000
51	Medical Services	23,17,000	...	23,17,000
52	Public Health	25,55,000	...	25,55,000
53	Miscellaneous Expenditure under the Ministry of Health.	23,06,000	...	23,06,000
54	Ministry of Home Affairs	36,36,000	...	36,36,000
55	Cabinet	8,37,000	...	8,37,000
56	Delhi	42,26,000	...	42,26,000
57	Police	21,66,000	...	21,66,000
58	Census	6,23,000	...	6,23,000
59	Miscellaneous Departments and Expenditure under the Ministry of Home Affairs.	2,95,000	...	2,95,000
60	Andaman and Nicobar Islands	42,67,000	...	42,67,000

SCHEDULE—*contd.*

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1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
61	Ministry of Information and Broadcasting ...	31,20,000	...	31,20,000
62	Broadcasting	66,95,000	...	66,95,000
63	Ministry of Labour	9,64,000	...	9,64,000
64	Chief Inspector of Mines	2,98,000	...	2,98,000
65	Miscellaneous Departments and Expenditure under the Ministry of Labour.	45,59,000	...	45,59,000
66	Employment Exchangs and Resettlement ...	33,42,000	...	33,42,000
67	Civil Defence	41,000	...	41,000
68	Ministry of Law	41,08,000	...	41,08,000
69	Administration of Justice	66,000	2,96,000	3,62,000
70	Ministry of Natural Resources and Scientific Research.	3,77,000	...	3,77,000
71	Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works met from Revenue.	8,000	...	8,000
72	Geological Survey	20,80,000	...	20,80,000
73	Mines	6,47,000	...	6,47,000
74	Scientific Research	80,02,000	...	80,02,000
75	Multi-purpose River Schemes	13,48,000	...	13,48,000
76	Miscellaneous Departments and Expenditure under the Ministry of Natural Resources and Scientific Research.	11,17,000	...	11,17,000
77	Department of Parliamentary Affairs ...	36,000	...	36,000
78	Ministry of Rehabilitation	6,59,000	...	6,50,000
79	Expenditure on Displaced Persons ...	3,36,33,000	...	3,36,33,000
80	Miscellaneous Expenditure under the Ministry of Rehabilitation.	10,000	...	10,000
81	Ministry of States	3,66,000	...	3,66,000
82	Privy Purses and Allowances of Indian Rulers	1,32,000	2,68,72,000	2,70,04,000
83	Kutch	32,14,000	...	32,14,000
84	Bilaspur	4,81,000	...	4,81,000
85	Manipur	15,45,000	...	15,45,000
86	Tripura	36,95,000	...	36,95,000
87	Relations with States	18,62,000	...	18,62,000
88	Miscellaneous Expenditure under the Ministry of States.	46,000	...	46,000
89	Ministry of Transport	8,79,000	...	8,79,000
90	Ports and Pilotage	22,62,000	...	22,62,000
91	Lighthouses and Lightships	4,99,000	...	4,99,000
92	Central Road Fund	1,73,33,000	...	1,73,33,000
93	Communications (including National Highways)	1,46,95,000	...	1,46,95,000
94	Miscellaneous Expenditure under the Ministry of Transport.	75,000	...	75,000
95	Ministry of Works, Production and Supply ...	5,14,000	...	5,14,000
96	Supplies	51,75,000	...	51,75,000
97	Salt	41,18,000	1,18,000	42,36,000
98	Stamps Cancelling and Printing Inks Manufacturing Factory.	98,000	...	98,000
99	Other Civil Works	1,59,29,000	5,40,000	1,64,69,000
100	Stationery and Printing	1,68,32,000	...	1,68,32,000
101	Miscellaneous Departments and Expenditure under the Ministry of Works, Production and Supply.	19,09,000 36,10,000	... 40,000	19,09,000 36,50,000
102	Parliament	10,000	...	10,000
103	Miscellaneous Expenditure under the Parliament Secretariat.	...	5,15,000	5,15,000
	Charged—Staff, Household and Allowances of of the President.	...	6,16,000	6,16,000
	Charged—Union Public Service Commission ...	98,62,000	...	98,62,000
104	Capital Outlay of the Ministry of Commerce and Industry.	1,67,11,000	...	1,67,11,000
105	Capital Outlay on Indian Posts and Telegraphs (not met from Revenue).	63,88,000	...	63,88,000

SCHEDULE—*concld.*

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1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
106	Capital Outlay on Civil Aviation... ...	63,88,000	...	63,88,000
107	Other Capital outlay of the Ministry of Communications.	17,66,000	...	17,66,000
108	Defence Capital Outlay	5,66,66,000	...	5,66,66,000
109	Capital Outlay on the India Security Press ...	3,19,000	...	3,19,000
110	Capital Outlay on Currency	13,000	...	13,000
111	Do Mints	11,01,000	...	11,01,000
112	Commuted Value of Pensions	33,22,000	...	33,22,000
113	Payments to Retrenched Personnel ...	76,000	...	76,000
114	Other Capital Outlay of the Ministry of Finance	1,000	...	1,000
115	Loans and Advances by the Central Government.	5,80,00,000	25,00,00,000	30,80,00,000
	Charged—Repayment of Debt	...	3,46,29,45,000	3,46,29,45,000
116	Capital Outlay on Forests	8,35,000	...	8,35,000
117	Purchase of Foodgrains	1,00,00,00,000	...	1,00,00,00,000
118	Other Capital Outlay of the Ministry of Food and Agriculture.	6,10,66,000	9,50,000	6,20,16,000
119	Capital Outlay of the Ministry of Health ...	60,00,000	...	60,00,000
120	Do do do Ministry of Home Affairs.	7,80,000	...	7,80,000
121	Capital Outlay on Broadcasting	14,42,000	...	14,42,000
122	Do of Ministry of Labour ...	2,04,000	...	2,04,000
123	Do on Multi-purpose River Schemes	1,02,22,000	...	1,02,22,000
124	Other Capital Outlay of the Ministry of Natural Resources and Scientific Research.	25,65,000	...	25,65,000
125	Capital Outlay of the Ministry of Rehabilitation	10,00,000	...	10,00,000
126	Do do do States ...	1,06,02,000	...	1,06,02,000
127	Do on Ports	80,00,000	...	80,00,000
128	Do on Roads	2,16,67,000	...	2,16,67,000
129	Other Capital Outlay of the Ministry of Transport	39,48,000	...	39,48,000
130	New Delhi Capital Outlay	72,45,000	30,000	72,75,000
131	Capital Outlay on Buildings	3,42,53,000	...	3,42,53,000
132	Other Capital Outlay of the Ministry of Works, Production and Supply.	1,88,44,000	...	1,88,44,000
	Total ...	2,71,79,32,000	3,96,15,75,000	6,67,95,07,000

K. V. K. SUNDARAM,
Secretary to the Government of India.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV.

Section—1-C.

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 2037—Legis. 6-51-55, dated Bangalore, 13th February 1952.

Ordered that Notification No. S.R.O. 83, dated the 15th January 1952 of the Ministry of Law under the Code of Civil Procedure, 1908, published in the *Gazette of India*, Part II, Section 3, dated the 19th January 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW

New Delhi, 15th January 1952

S.R.O. 83.—In exercise of the powers conferred by rule 1, read with clause (a) of rule 8B of Order XXVII of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), the Central Government hereby directs that the following further amendment shall be made in the Notification of the Government of India in the Ministry of Law No. S.R.O. 512, dated the 9th September 1950, relating to the authorisation of officers to sign and verify plaints or written statements in any suit by or against the Central Government, namely:—

In Part III of the Schedule to the said notification, under the heading *Commercial Intelligence and Statistics* for the words "Director of Commercial Intelligence, Calcutta", the words "Director-General of Commercial Intelligence and Statistics, Calcutta" shall be substituted.

[No. F. 33-I/51L]

SHRI GOPAL SINGH, Dy. Secy.

NOTIFICATION.

No. L.D. 2068—Legis. 6-51-56, dated Bangalore, 13th February 1952. 187

Ordered that Notification No. S.R.O. 90, dated the 9th December 1951 of the Ministry of Food and Agriculture amending the late Department of Education, Health and Lands No. F. 43-4—45-A, dated the 25th May 1951, under the Coconut Committee Act, 1944, published in the *Gazette of India*, Part II, Section 3, dated the 19th January 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF FOOD AND AGRICULTURE

AGRICULTURE

New Delhi, 9th December 1951

S.R.O. 90.—In exercise of the powers conferred by section 3 of the Indian Coconut Committee Act, 1944 (X of 1944), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the late Department of Education, Health and Lands No. F. 43-4/45-A, dated the 25th May 1945, namely :—

In the said notification :—

(*a*) for the words 'British India' where they occur for the first time, the words 'the territories to which the said Act extends' shall be substituted.

(*b*) for the words 'British India' where they occur for the second time, the words 'the said territories' shall be substituted.

[No. F. 35-13/49-Comm. II.]

K. R. DAMLE, Joint Secy.

NOTIFICATION.

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No. L.D. 2069—Legis. 5-51-102, dated Bangalore, 13th February 1952.

Ordered that Notification No. S.R.O. 108, dated the 15th January 1952 of the Ministry of Rehabilitation, the Evacuee Interest (Separation) Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 19th January 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF REHABILITATION

New Delhi, 15th January 1952.

S.R.O. 108.—In exercise of the powers conferred by section 23 of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951), the Central Government hereby makes the following Rules, namely :—

1. *Short title.*—These Rules may be called the Evacuee Interest (Separation) Rules, 1951.

2. *Definitions.*—In these Rules :—

(*a*) 'Act' means the Evacuee Interest (Separation) Act, 1951 (XLIV of 1951);

(*b*) 'claimant' means a person who makes a claim under the Act;

(*c*) 'form' means a form appended to these Rules;

(*d*) 'proceeding' means the hearing of a claim under the Act and includes all steps taken under the Act or these rules in pursuance of such claim.

3. *Application under section* 6.—(1) An application by a claimant under sub-section (1) of section 6 of the Act shall be in Form 'A'.

(2) Every such application may be presented personally or by an authorised agent to the competent officer having jurisdiction or may be sent to him by registered post, acknowledgment due.

4. *Form of Notice under section* 6.—Where a competent officer has received information under section 6 of the Act, he shall issue a general notice in Form 'B', and an individual notice in Form 'C' to every person who, in the opinion of the competent officer, may have a claim in the composite property.

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5. *Particulars in a Statement of Claim.*—(1) Every statement of claim under section 7 of the Act shall be in Form 'D'.

(2) Every such statement of claim may be presented either personally or through an authorised agent to the competent officer having jurisdiction or may be sent to him by registered post acknowledgment due.

(3) Every such statement of claim shall be signed and verified in the same manner as a pleading under the Code of Civil Procedure, 1908 (Act V of 1908).

6. *Registration of claims.*—Every statement of claim submitted under section 7 of the Act shall be registered in a register to be kept for the pur pose in Form 'E'

7. *Persons interested in the composite property to be parties to proceedings.*—(1) Every person having an interest in a composite property in respect of which a statement of claim is made under section 7 of the Act and the Custodian of Evacuee Property within whose jurisdiction such properties situate, shall be deemed to be respondent to the proceeding.

(2) There shall be filed along with the statement of claim or with the permission of the competent officer at a later stage of the proceeding as many copies of the statement of claim and as many envelopes and notices in Form 'F' duly addressed to the respondents as there are respondents.

(3) Notwithstanding anything contained in this rule, it shall be lawful for the competent officer to add as a respondent to the proceedings any person who in his opinion is interested in the composite property and issue a notice to him in Form 'F'.

8. *Rejection of a statement of claim in certain cases.*—Where a statement of claim made under section 7 of the Act does not comply with any of the requirements of that section or these rules, the competent officer may reject the claim or grant to the claimant such further time as he thinks fit complying with such requirements.

9. *Issue of Notice.*—Where a claim is not rejected under rule 8, the competent officer shall, after causing the date for the hearing of the claim to be inserted in the notices referred to in rule 7, cause them to be served on the respondents.

10. *Objections by Respondents.*—(1) In response to a notice under rule 9, a respondent may show cause against the statement of claimant and may file a written statement containing his objections to the claim.

(2) Where a written statement is not presented personally or through an authorised agent, it may be sent by registered post acknowledgment due, to the competent officer after having been signed in the presence of a Judicial Officer and duly attested by such officer:

Provided that a written statement filed by a Custodian of Evacuee Property may not be signed in the presence of a Judicial Officer.

(3) A written statement may contain a counter claim to the composite property and where such counter claim is made, it shall have the same effect as a statement of claim under these rules.

(4) Every written statement shall be verified in the same manner as a pleading under the Code of Civil Procedure, 1908 (Act V of 1908).

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11. *Service of Notice or Order.*—Every notice or order issued under the Act or these rules may at the discretion of the competent officer, be served in one of the following methods, namely :—

(*a*) by giving, or tendering the notice or order to the person for whom it is intended ; or

(*b*) by ordinary post under a certificate of posting ; or

(*c*) by registered post acknowledgment due :

Provided that where a notice or order cannot be served by any of the aforesaid methods, the notice or order may be served by affixing a copy thereof in some conspicuous place in the office of the competent officer and also on some conspicuous part of the house, if any, in which the person upon whom the notice or order is to be served is known to have last resided or carried on business or personally worked for gain or in such other manner as the competent officer may think fit.

12. *Statements to be on oath.*—All statements made in any proceeding shall be on oath.

13. *Quarterly returns by competent officer.*—Every competent officer shall, at the end of each quarter, submit a statement in Form 'G' to the State Government.

FORM 'A'

Form of application under sub-section (1) of section 6.

[*See* rule 3]

To

.....

(Name)

.....

(competent officer)

.....

(Station)

1. The name, description and place of residence of the applicant.
2. The description of composite property.
3. The nature of interest of applicant in the composite property.
4. The name, description and place of residence of other claimants in the composite property, so far as they can be ascertained.
5. The nature of interest of such claimants in the composite property, so far it can be ascertained.

.....

(Signature of applicant)

FORM 'B'

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Form of General Notice under section 6.

[*See* rule 4]

Whereas information has been laid before me that the property described in the Schedule hereto annexed.

And whereas the evacuee interest in the said property is to be separated from other interests.

I, now, hereby call upon all persons having an interest in the said property to submit their claims in the prescribed form to me within sixty days from the date of this notice.

Given under my hand and the seal of my office, this..... day of.....19 .

.....

(Signature)

.....

(Competent Officer)

THE SCHEDULE

Description of Property

FORM 'C'

Form of individual notice under section 6

[*See* rule 4]

Whereas information has been received that you have an interest in the composite property described in the Schedule hereto annexed.

And whereas the evacuee interest in the said property is to be separated from other interests.

I, now, hereby call upon you to submit your claim to me in the prescribed form within sixty days from the date of this notice.

Given under my hand and the seal of my office, this..... day of..... ....19 .

.....

(Signature)

.....

(Competent Officer)

THE SCHEDULE

Description of Property

FORM 'D'

Form of a statement of claim under sub-section (1) of section 7

[*See* sub-rule (1) of rule 5]

NOTE.—Persons filling in these forms should carefully refer to definitions of terms such as "composite property", "mortgage debt" and principal money as contained in the Act.

To

.....

(name)

.....

(competent officer)

.....

(Station)

1. The name, description and place of residence of claimant.
2. The description of the composite property.
3. The nature of the interest of the claimant in the composite property.
4. the name and full addresses of persons interested in the composite property.—
   (i)
   (ii)
   (iii)
   (iv)
5. The estimated money value of the composite property.
6. Where the claim is made by a co-sharer or partner, the extent of the share of the claimant and the money value of such share;
7. Where the claim is made by a mortgagee,—
   (i the principal money and the rate of interest chargeable under the mortgage deed;
   (ii) payments made towards the mortgage debt after the principal money was advanced or deemed to have been advanced;
   (iii) the history of the mortgage debt in so far as it is relevant to the determination of the principal money;
   (iv) particulars of the property mortgaged and the estimated value of such property;
   (v) particulars of any property the possession of which has been taken by the mortgagee as security for, or in lieu of payment of, the mortgage debt;
   (vi) the total amount claimed under the mortgage debt in accordance with the provisions of the Act.
8. Where the claim is made by a mortgagor, the total amount due under the mortgage debt and the particulars necessary to determine the same.

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9. The order of preference in which the claimant desires to have his interest separated from that of the evacuee under section 10.

.....

(Signature of applicant)

Verification.

The statements made above are true to my knowledge and belief.

.....

(Signature of the applicant or other person verifying the statements).

FORM "E"

Form of Register.

[*See* rule 6.]

	Serial No.	1
	Date of presentation of claim	2
	Name and description of claimant	3
	Name and description of respondents	4
	Description of composite property	5
	Value of composite property as indicated by claimant.	6
	Nature of interest of claimant	7
	Value of interest claimed	8
	Value of composite property as ascertained by competent officer.	9
	Value of claimant's share determined by competent officer.	10
	Total value of evacuee interest in the property as determined by competent officer.	11
	Total value of non-evacuee interest in the composite property as determined by competent officer.	12
	Manner in which evacuee and non-evacuee interest have been separated.	13
	Date of final order of competent officer	14
	Number of hearings and period spent in disposal of cases.	15
	Whether order of competent officer has been the subject of appeal or review.	16
	Purport of the order of appellate officer	17
	Date of despatch in record to record keeper with the date of consignment in the record room.	18
	Number in record keeper's register	19
	Remarks	20

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FORM "F" 165

Form of notice to Respondent.

[*See* sub-rules (2) and (3) of rule 7.]

To

WHEREAS..... has made a claim in respect of the composite property described in the Schedule hereto annexed (copy of the statement of claim attached);

You are hereby required to appear before me either personally or through an authorised agent on the day of.....19 , at.....O'clock at.....(insert the address of the place where appearance is required) to answer the claim, and you are directed to produce on that day all the documents upon which you intend to rely in support of your claim.

Take notice that in default of your appearance on the day before mentioned, the matter will be heard and determined in your absence.

Given under my hand and the seal of my office this.....day of .....19 .

.....
Signature).
.....
(Competent Officer).

THE SCHEDULE.

FORM "G"

Quarterly Statement showing the business before th Competent Officer.....
for the quarter ending..... ....

[*See* Rule 14.]

1				2					3	4	5	6	7	8	9	10
Number of cases before the Competent Officer				Number of cases disposed of												
(a)	(b)	(c)	(d)	(a)	(b)	(c)	d)	e)								
Pending at the begining of the quarter.	Instituted during the quarter	Transferred to the Competent Officer or received otherwise during the quarter.	Total	Cases dismissed	Cases rejected	Cases decided	Number of cases transferred	Total number of cases disposed of.	Total number of composite properties in which evacuee and non-evacuee interests have been separated.	Total value of such composite properties	Total value of evacuee interest in the composite properties.	Total value of non-evacuee interest in the composite properties.	Number of cases pending at the close of the quarter.	Number of cases pending for more than six months.	Number of cases pending for more than one year.	Remarks

[No. 82 (13)/57-Prop.]

D. R. KOHLI, Dy. Secy.

Published by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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NOTIFICATION.

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No. L.D. 241—Legis. 5-52-15, dated Bangalore, 1st May 1952.

Ordered that the Employees' State Insurance (Central) Rules, 1950, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

NOTIFICATION.

New Delhi, the 22nd June 1950.

S. R. O. 212.—In exercise of the powers conferred by section 95 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government is pleased to make the following rules, the same having been previously published as required by sub-section (1) of the said Section, namely :—

RULES

CHAPTER I

1. Short title and extent.—(1) These Rules may be called the Employees' State Insurance (Central) Rules, 1950.

(2) They extend to all the States to which the Act applies and also to those Scheduled Areas to which the Act has been or may hereafter be applied under the Constitution.

2. Definitions.—In these rules, unless there is anything repugnant in the subject or context,—

(1) "the Act" means the Employees' State Insurance Act, 1948 (Act XXXIV of 1948);

(2) "Chairman" means the Chairman of the Corporation, the Standing Committee or the Medical Benefit Council, as the case may be;

(3) "Form" means a form appended to these Rules;

(4) the "Fund" means the Employees' State Insurance Fund;

(5) "Government Securities" means Government Securities as defined in the Indian Securities Act, 1920;

(6) "immovable property" includes land, benefits to arise out of land, things attached to the earth, or permanently fastened to anything attached to the earth;

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(7) "movable property" means property of every description except immovable property ;

(8) "State Medical Commissioner" means a duly registered medical practitioner including a medical officer in the service of a State Government appointed as such by the Corporation ;

(9) "year" shall mean the financial year, that is to say, the period beginning from the first of April and ending with the thirty-first of March of the year following.

3. Election of members to the Standing Committee.—(1) The Chairman of the meeting shall, at a meeting of the Corporation at which it is proposed to elect members of the Standing Committee under clause (c) of section 8, invite members to propose names from among members of the Corporation belonging to the group from which election is to be made. The names proposed shall be duly seconded by another member of the Corporation.

(2) If the number proposed from any group for election does not exceed the number of vacancies to be filled from that group, the persons whose names have been so proposed shall be declared elected to the Standing Committee.

(3) If the number proposed for election from a group exceeds the number of vacancies to be filled therefrom, each member of the Corporation present at the meeting shall be given a ballot paper containing the names of all the candidates proposed and he shall be required to vote thereon for as many candidates from the group as there are vacancies to be filled up. Not more than one vote shall be given in favour of any one candidate. If any member votes for more candidates than there are vacancies in the group or gives more than one vote in favour of any one candidate, all his votes shall be deemed to be invalid.

(4) The persons getting the highest number of votes shall be declared by the Chairman, at the meeting or as soon thereafter as possible, as duly elected to the Standing Committee :

Provided that where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared to be elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Chairman and in such manner as he may determine.

(5) If any question shall arise as to the validity of any election it shall be referred to the Central Government whose decision in the matter shall be final.

4. Restoration to membership.—(1) A member of the Corporation the Standing Committee or the Medical Benefit Council, who ceases to be a member by virtue of section 12, shall be informed of such cessation by a letter sent to him by registered post. The letter shall also indicate that if he desires restoration to membership, he may apply therefor within thirty days from the receipt of the letter.

(2) The application under sub-rule (1) shall indicate the reasons which prevented him from attending three consecutive meetings and shall be addressed to the Chairman concerned.

(3) The application shall be placed before the next meeting of the Corporation, the Standing Committee or the Medical Benefit Council, as the case may be, and if a majority of the members present at such meeting are satisfied that the reasons for failure to attend three consecutive meetings are adequate, he shall be restored to membership immediately after a resolution to that effect is adopted.

(4) The benefit of restoration to membership as provided for in this rule shall be allowed to a member only once during any one term as a member.

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5. Fees and allowances of members.—(1) A non-official member of the Corporation, the Standing Committee or the Medical Benefit Conncil, as the case may be, residing at the place where a meeting is held shall be allowed the actual expenditure incurred on conveyance subject to a maximum of ten rupees for each day on which he attends one or more meetings.

(2) A non-official member not resident at the place where a meeting is held, shall be allowed travelling and daily allowances in respect of the meetings which he attends at the following rates, namely :—

(i) The travelling allowance shall be—

(*a*) in respect of journeys by air, the actual fare paid and one quarter of the standard air fare for the journey ;

(*b*) in respect of journey by rail, one and a half times the class one railway fare if the journey is performed in that class on payment of full fare, and in other cases the actual railway fare, if any, paid and one half of the class one railway fare, from and to the usual place of business or from and to the place from or to which the journey is actually performed by the member whichever is less ; and

(*c*) in respect of journeys by road performed otherwise than by means of locomotion provided at the expense of Government or the Corporation, at the rate of mileage allowance admissible to officers of the first grade in the service of the Central Government. When the journey is performed by road between places connected by railway, mileage will be limited to what would have been admissible had the member travelled by rail in the ordinary way.

(ii) The daily allowance shall be at the maximum rate admissible to the officers of the first grade in the service of the Central Government and shall be payable in respect of each day on which the member attends one or more meetings :

Provided that the daily allowance shall also be admissible at the full rate for the day immediately preceding the date of commencement of a meeting if the member arrives at the place of the meeting before the afternoon of such preceding day, and also for the day immediately following the last day of the meeting if the member leaves the place of the meeting after the forenoon of such following day.

NOTES.—(1) Travelling or daily allowance shall be allowed if member certifies that he has not drawn any travelling or daily allowance from any other source in respect of the journey and half for which the claim is made.

(2) The daily and travelling allowance shall also be payable in respect of the meetings of any sub-committee set up by the Corporation, the Standing Committee or the Medical Benefit Council.

6. Minimum number of meetings.—(1) The Corporation shall meet at least twice each year.

(2) The Standing Committee and the Medical Benefit Council shall meet at least four times each year.

(3) The Chairman may, whenever he thinks fit, and shall, within fifteen days of the receipt of a requisition in writing from not less than one-half of the members of the body concerned, call a meeting thereof.

(4) Any requisition made under this rule shall specify the object of the meeting proposed to be called.

7. Roll of Members.—(1) The Corporation shall maintain a Roll of Members separately for the Corporation, the Standing Committee and the Medical Benefit Council. The name and the address of each member shall be stated therein.

(2) If a member changes his address, he shall notify such change to the Corporation for the correction of his address in the Roll.

8. Notice of meeting and list of business.—(1) The Chairman shall decide the date, time and place of every meeting. A notice of not less than twenty-one days from the date of issue shall ordinarily be given to every member, of each meeting of the Corporation, the Standing Committee or the Medical Benefit Council, as the case may be. Such notice may be sent to every member by post or in any other suitable manner. A list of business proposed to be transacted shall, after approval by the Chairman, be posted along with the notice. Brief notes on each item of the agenda shall be sent along with the agenda or as soon thereafter as possible. If it is necessary to convene an emergency meeting, a reasonable notice thereof shall be given to every member.

(2) No business other than that for which a meeting is convened shall be considered at that meeting, except with the permission of the Chairman of the meeting.

9. Chairman of the meeting.—The Chairman, or in his absence the Vice-Chairman, if any, of the Corporation, the Standing Committee or the Medical Benefit Council, as the case may be, shall preside at the meetings. In the event of the absence of both the Chairman and the Vice-Chairman, if any, the members present may elect one from amongst themselves to preside.

10. Quorum.—No business shall be transacted at any meeting unless a quorum of eleven members in the case of the Corporation, five members in the case of the Standing Committee and seven members in the case of the Medical Benefit Council, is present:

Provided that if at any meeting there is not a sufficient number of members present to form a quorum, the Chairman of the meeting may adjourn the meeting to a date not later than seven days from the date of the original meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members attending.

11. Disposal of business.—Any business which requires consideration by the Corporation, the Standing Committee or the Medical Benefit Council shall be considered at a meeting thereof:

Provided that the Chairman may, if he thinks fit, direct that the necessary papers may be referred for opinion to all members;

Provided further that the decision on any question which is so referred shall be acted upon if supported by not less than a two-thirds majority of the members of the body concerned. In other cases or where the Chairman so decides, the question shall be considered at a duly convened meeting.

12. Proceedings of the meetings.—(1) The proceedings of each meeting, showing *inter alia* the names of the members present thereat, shall be forwarded to each member of the Corporation, the Standing Committee or the Medical Benefit Council, as the case may be, and to the Central Government as soon after the meeting as possible and in any case not later than four weeks after the meeting.

(2) The minutes of each meeting shall be confirmed with such modifications as may be considered necessary at the next meeting.

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13. Minute-Books.—(1) The minutes of a meeting of the Corporation, the Standing Committee and the Medical Benefit Council shall be kept in separate books (hereinafter referred to as minute-books) and shall be signed by the Chairman of the meeting at which the proceedings are confirmed.

(2) A copy of the minutes so confirmed shall be forwarded to the Central Government within fifteen days from the date of such confirmation.

(3) The minute-books shall be kept open at the principal office of the Corporation during office hours on working days for inspection free of charge by any member of the Corporation.

(4) The minute-book of the Medical Benefit Council shall be kept open at the principal office of the Corporation during office hours on working days for inspection free of charge by any member of the Medical Benefit Council.

14. Powers and duties of the Medical Benefit Council.—The powers and duties of the Medical Benefit Council shall be—

(1) to advise the Corporation in regard to the constitution, setting up duties and powers of the Regional and Local Medical Benefit Councils;

(2) to make recommendations to the Corporation in regard to—

(i) the scale and nature of medical benefit provided at hospitals, dispensaries, clinics and other institutions and the nature and the extent of the medicines, staff and equipment which shall be maintained at such institutions and the extent to which these fall short of the desired standard;

(ii) the medical formulary for use in connection with the medical benefit provided under the Act;

(iii) medical certification including the procedure and the forms for such certification, statistical returns, registers and other medical records;

(iv) measures undertaken for the improvement of the health and welfare of insured persons, and the rehabilitation and re-employment of insured persons, disabled or injured;

(3) to advise the Corporation on any matter relating to the professional conduct of any medical practitioner employed for the purpose of providing medical benefit under the Act.

CHAPTER III

15. Salaries, allowances and conditions of service of the Principal Officers.—(1) The Principal Officers shall receive such salaries as may be determined by the Central Government.

(2) The Principal Officers shall receive dearness allowance, compensatory (city allowance), house rent and other allowances at such rates and such medical benefits as may be sanctioned for the officers of the Central Government on similar salaries in the localities where they are stationed.

(3) The Principal Officers shall be entitled to leave and leave salary under the model leave terms which may, from time to time, be made applicable to the Central Government servants on contract on similar salaries.

(4) The Principal Officers shall be entitled to travelling allowances for journeys performed in the service of the Corporation on the scale provided for

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in the rules supplementary to the Fundamental Rules applicable to the class of officers to which the Central Government may declare them to correspond in status.

(5) The Principal Officers shall be entitled to the benefit of the Employees' State Insurance Corporation Provident Fund established unde rule 47.

(6) Notwithstanding anything contained in sub-rules (1) to (5), the pay, allowances and other conditions of service of a Principal Officer, if he is a person already in the service of the Government, shall be such as may be determined by the Central Government in each individual case.

16. Powers and duties of the Director-General.—(1) The powers and duties of the Director-General shall be—

(i) to act as the Chief Executive Officer of the Corporation;

(ii) to co-ordinate, supervise and control the work of the other Principal Officers;

(iii) to convene, under the orders of the Chairman, meetings of the Corporation, the Standing Committee and the Medical Benefit Council in accordance with the Act and the Rules and to implement the decisions reached at the meetings;

(iv) to enter into contracts on behalf of the Corporation in accordance with the Act or the Rules or Regulations made thereunder, or the general or special instructions of the Corporation or the Standing Committee;

(v) to furnish all returns and documents required by the Act or the Rules to the Central Government and to correspond with the Central Government and the State Governments upon all matters concerning the Corporation, and

(vi) to undertake such other duties and to exercise such other powers as may from time to time be entrusted or delegated to him.

(2) The Director-General may, with the approval of the Standing Committee, by general or special order, delegate any of his powers or duties under the Rules or the Regulations or under and any resolution of the Corporation or the Standing Committee, as the case may be, to any person subordinate to him. The exercise or discharge of any of the powers or duties so delegated shall be subject to such restrictions, limitations and conditions, if any, as the Director-General may, with the approval of the Standing Committee impose.

17. Powers and duties of the Insurance Commissioner.—The powers and duties of the Insurance Commissioner shall subject to the control of the Director-General be—

(i) to arrange, subject to the control of the Director-General, for the establishment of insurance and Regional offices for the administration of the Act;

(ii) to arrange for inspection of subordinate offices;

(iii) to investigate all complaints referred to by the Regional Boards and the Local Committees, and

(iv) to undertake such other duties and to exercise such other powers as may, from time to time, be entrusted or delegated to him.

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18. Powers and duties of the Medical Commissioner.—(1) The powers and duties of the Medical Commissioner shall subject to the control of the Director-General be—

(i) to supervise, direct and co-ordinate the working of the medical organisation of the Corporation;

(ii) to advise on the lay-out, planning and construction of hospitals and dispensaries and in regard to sickness recording;

(iii) to examine the records of sickness and accident and to suggest measures for improving health conditions in areas where the Act is in force;

(iv) to conduct such medical research as may be authorised by the Corporation on the advice of the Medical Benefit Council;

(v) to arrange for the inspection of hospitals, dispensaries, clinics and other institutions where medical benefit under the Act is provided by the State Governments, the Corporation or the employers;

(vi) to advise regarding the adequacy of medical treatment provided by the factories or establishments applying for exemption;

(vii) to investigate complaints made by insured persons with regard to medical benefit;

(vii) to devise forms and registers for keeping the records of insured persons by institutions where medical benefit under the Act is provided; and

(ix) to undertake such other duties and exercise such other powers as may, from time to time, be entrusted or delegated to him.

(2) The duties and powers of the Medical Commissioner may be delegated to the State Medical Commissioner with the approval of the Director-General subject to such general or special directions as may be issued from time to time by the Medical Commissioner with the approval of the Director-General.

19. Powers and duties of the Chief Accounts Officer.—The powers and duties of the Chief Accounts Officer shall subject to the control of the Director-General be—

(i) to maintain the accounts of the Corporation and to arrange for the compilation of accounts by the collection of returns from the Centres and Regions;

(ii) to prepare the budget of the Corporation;

(iii) to arrange for internal audit of the accounts of the Centres and Regions and of the receipts and payments thereat;

(iv) to make recommendations for the investment of the funds of the Corporation; and

(v) to undertake such other duties and to exercise such other powers as may, from time to time, be entrusted or delegated to him.

20. Powers and duties of the Actuary.—The powers and duties of the Actuary shall subject to the control of the Director-General be—

(i) to collect, compile and analyse statistics relating to the working of the Corporation;

(ii) to advise the Director-General on all actuarial and statistical problems relating to the working of the Corporation;

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(iii) to detect and prevent excessive claims; and

(iv) to undertake such other duties and exercise such other powers as may, from time to time, be entrusted or delegated to him.

CHAPTER IV

21. Bank or banks for depositing the Fund.—(1) All moneys accruing or payable to the Fund shall be received by such officers of the Corporation as may be authorised by it in this behalf. The amount so received shall as soon as practicable be acknowledged by a receipt in Form I and deposited in the Reserve or the Imperial Bank of India or such scheduled bank, as may be approved for this purpose by the Central Government, to the account of the Fund:

Provided that any moneys may also be paid directly to the account of the Fund in any such bank.

(2) The receipt book in Form 1 shall be numbered serially by machine and the unused forms shall be kept in the custody of the Cuief Accounts Officer or such other officer of the Corporation as may be authorised by the Corporation in this behalf.

22. Procedure for crediting moneys to the Banks.—(1) All moneys accruing or payable to the Corporation shall be credited to the approved bank and not utilised directly for any purpose.

(2) The bank or banks shall be required at the end of every calendar month to furnish to the Corporation or such officer as may be authorised by it in this behalf, a statement of the amounts deposited in and withdrawn from the Fund during the month. These statements shall be examined by the Director-General before the expiry of a period of two months following the period to which the statements relate.

23. Purpose and manner of payment out of the Fund.—(1) The accounts of the Fund shall be operated on by such officers as may be authorised by the Standing Committee with the approval of the Corporation.

(2) No payment shall be made by the bank or banks out of the Fund except on a cheque signed by such officers as may be authorised under sub-rule (1).

(3) Any payment in excess of one hundred rupees shall be made by means of a cheque signed as aforesaid and not in any other way unless specifically authorised by the Standing Committee:

Provided that payment of salaries to the employees of the Corporation drawing a basic salary not exceeding rupees two hundred and fifty a month may be made in cash.

(4) No payment shall be made out of the Fund unless the expenditure is covered by a current budget grant:

Provided that in the absence of a current budget grant, the Corporation may authorise payments either generally or from any particular case:

Provided further that the payment of benefits to insured persons under the provisions of the Act and of the pay and allowances of duly sanctioned posts shall not be withheld for want of a sanc ioned budget grant.

24. Circumstances in which cheques may be drawn.—Before any person authorised under rule 23 signs a cheque, he shall satisfy himself that the sum for which the cheque is drawn is—

(i) required for a purpose or work specifically sanctioned by the proper authority and covered by a current budget grant; and

(ii) required for any payment referred to and specified under section 28;

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Provided that in the absence of a current budget grant, the Corporation may authorise payments either generally or for any particular case:

Provided further that the payment of benefits to insured persons under the provisions of the Act and of the pay and allowances of duly sanctioned posts shall not be withheld for want of a sanctioned budget grant.

25. Acquisition of property.—Subject to the provisions of rule 29 and such conditions as may, from time to time, be laid down by the Corporation, the Director-General may, for the purposes of this Act, acquire on behalf of the Corporation movable or immovable property:

Provided that sanction of the Standing Committee, shall be required for the exchange of any immovable property, for the taking of any property on lease for a term exceeding twelve months, or for the acceptance of any gift or bequest of property burdened by an obligation.

NOTE.—The sanction of the Standing Committee may be given either generally or for any class of cases or specially for any particular case.

26. Disposal of property.—Subject to the provisions of rule 29 and such conditions as may be laid down by the Corporation from time to time, the Director-General may—

(i) dispose of by sale or exchange, any movable property belonging to the Corporation, the value of which does not exceed ten thousand rupees in each case, or grant for any term not exceeding twelve months a lease of any immovable property belonging to the Corporation;

(ii) with the sanction of the Standing Committee, lease, sell or otherwise dispose of any movable or immovable property belonging to the Corporation.

NOTE.—The sanction of the Standing Committee may be given either generally or for any class of cases or specially for any particular case.

27. Investment, transfer or realisation of the Fund.—(1) All moneys belonging to the Fund which are not immediately required for expenses properly defrayable under the Act, may, subject to the approval of the Standing Committee, be invested by the Director-General—

(i) in Government securities including Treasury Deposit Receipts; or

(ii) in securities mentioned or referred to in clauses (a) to (d) of section 20 of the Indian Trusts Act, 1882 (II of 1882); or

(iii) as fixed deposit in the Reserve or the Imperial Bank of India.

(2) Moneys belonging to the Fund shall not be invested in any other manner except with the prior approval of the Central Government.

(3) Any investment made under this rule may, subject to the provisions of sub-rules (1) and (2), be varied, transposed or realised from time to time:

Provided, however, that if such variation, transposition or realisation is likely to result in a loss, the prior approval of the Central Government shall be obtained.

(4) The Central Government may, at any time, direct the vacation in part or in whole, or prohibit investment, in any security or class of securities or any land or building.

(5) All dividends, interest or other sums received in respect of any investment, shall, as soon as possible after receipt, be paid into or credited to the account of the Fund.

(6) The expenses of or the loss, if any, arising from any investment shall be charged to the Fund and the profit, if any, from the sale of any investment shall also accrue to the Fund.

(7) The approval under sub-rules (1) and (2) of the Standing Committee or the Central Government, as the case may be, may be given with or without any conditions either generally or in any particular case.

28. Raising and repayment of loans.—(1) (i) The Corporation may in pursuance of a resolution passed at a meeting of the Standing Committee, and with the prior approval of the Central Government, raise loans for the purposes of the Act.

(ii) In particular and without prejudice to the generality of the foregoing power, the Corporation may raise loans—

(a) for the acquisition of land and/or the raising buildings thereon ; or

(b) to repay a loan raised under this rule ; or

(c) for any other purpose approved by the Central Government.

(2) All loans under this rule shall be obtained—

(i) from the Central Government on such rates of interest and such terms as to the time and method of repayment as the Central Government may specify, or

(ii) with the approval of the Central Government, from the Reserve or the Imperial Bank of India or any other scheduled bank.

NOTE.—The approval of the Central Government may be given, with or without any conditions, either generally or for any particular case.

(3) Where a loan is obtained from the Reserve or the Imperial Bank of India as provided in clause (ii) of sub-rule (2), the Corporation may, with the approval of the Central Government, grant mortgages of all or any of the property vested in it for securing the repayment of the sums so advanced, with interest.

(4) All payments due from the Corporation for interest on and repayment of loans shall be made in such manner and at such times as may have been agreed upon :

Provided that the Corporation may apply any sums which can be so applied in repaying any amount due in respect of the principal of any loan although the repayment of the same may not be due.

(5) No expenditure incurred out of a loan shall be charged by the Corporation to capital, except with the previous sanction (or under the direction) of the Central Government.

(6) The Corporation shall submit to the Central Government an annual statement by the thirtieth of April each year showing the loans raised and repayments made during the preceding year.

29. Procedure for execution of contracts.—(1) The Corporation may enter into and perform all such contracts as it may consider necessary or expedient for carrying into effect the provisions of the Act.

(2) Every contract made under or for any purpose of the Act shall be made on behalf of the Corporation—

(i) by the Director-General ; or

(ii) subject to such conditions as it may specify, by such member or officer of the Corporation as it may authorise :

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Provided that the prior sanction of the Standing Committee shall be obtained in respect of any contract involving an expenditure exceeding ten thousand rupees.

(3) Every contract entered into by any person as provided in sub-rule (2) shall be entered into in such manner and form as would bind him if it were made on his own behalf and may in like manner and form be varied or discharged.

Provided that the Common or official seal, as the case may be, of the Corporation shall be affixed to every contract for amounts exceeding one thousand rupees.

30. Seal.—(1) The common seal of the Corporation shall remain in the custody of the Director-General and shall not be affixed to any instrument except in the presence of the Director-General or two members of the Standing Committee, and the Director-General or the said two members shall sign the contract in token of the fact that the same was sealed in his or their presence.

(2) The Corporation shall have for use at each of such other of its offices as it may specify, an official seal which shall be a facsimile of the common seal of the Corporation with the addition of the name of the office where it is to be used.

(3) The official seal shall not be affixed to any instrument except in the presence of such person or persons as the Standing Committee may authorise in this behalf and such person or persons shall sign the instrument in token of the fact that the same was sealed in his or their presence.

(4) An instrument to which an official seal is duly affixed shall bind the Corporation as if it had been sealed with the common seal of the Corporation.

CHAPTER V.

31. Preparation and submission of annual budget estimates.—(1) The Budget estimates of the Corporation for each financial year beginning on the first of April and ending on the thirty-first of March next shall be prepared by the Chief Accounts Officer in such form as the the Central Government may, from time to time, direct and shall be submitted with his recommendations by the Director-General to the Standing Committee for approval at a meeting of the Standing Committee to be held before the First of October of the preceding year.

(2) A copy of the budget estimates shall be sent to each member of the Standing Committee and of the Corporation at least seven clear days before the meeting of the Standing Committee or the Corporation at which these estimates are to be considered.

(3) The Standing Committee shall consider and approve the budget estimates with such changes as it may consider necessary.

(4) The budget estimates as approved by the Standing Committee shall be placed before a meeting of the Corporation to be held before the twentieth of October of the preceding year.

(5) The budget estimates as passed by the Corporation shall be authenticated by affixing the common seal of the Corporation and shall be submitted to the Central Government under section 32, not later than the first of November next following.

(6) It shall be open to the Central Government to make such alterations in the budget estimates as may be considered necessary before according approval.

(7) The budget estimates as finally adopted by the Corporation and as approved by the Central Government shall be placed before the Parliament by the administrative Ministry concerned and published in the Official Gazette as soon as possible

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after the Central Government budget estimates have been approved by the Parliament.

32. Supplementary estimates.—The Standing Committee may cause a supplementary estimate to be prepared and submitted to the Corporation, if in respect of any financial year further expenditure is likely to be incurred. Every such supplementary estimate shall be considered and sanctioned by the Corporation and submitted to the Central Government in the same manner as if it were an original annual estimate, not later than the fifteenth of February of the Financial year to which it relates. The provisions of Rule 31 shall, so far as may be, apply to such supplementary estimate.

33. Re-appropriation.—(1) If the Director General finds in the course of the year that there is likely to be an excess of expenditure over the sanctioned budget estimate under any head, he shall examine the allotment under each head of the budget estimate with the object of discovering probable savings under any other head and effecting a re-appropriation. Where such re-appropriation is feasible, he may sanction the re-appropriation subject to such conditions as may be laid down by the Central Government from time to time.

(2) Funds shall not be re-appropriated to meet expenditure on a new service not contemplated in the budget estimates except with the prior approval of the Central Government.

(3) No re-appropriation shall be permitted between the grant sanctioned for administrative expenses, two-thirds of which shall be met by the Central Government, and a grant sanctioned for any other expenditure.

34. Maintenance of accounts.—The Corporation shall maintain complete and accurate accounts in such form as the Standing Committee may, with the approval of the Central Government, specify form time to time. The books shall be balanced on the thirty-first of March each year.

35. Revenue Accounts.—The Corporation shall prepare Revenue Accounts for the financial year ended on the thirty-first March and Balance Sheet as on the thirty-first March, by the thirty-first of May:

Provided that on the application of the Corporation, the Central Government may extend the said date by a period not exceeding thirty days:

Provided further that the Corporation may, and if so required by the Central Government shall, cause to be prepared the Revenue Accounts and the Balance Sheet for any other period or as on any other date.

36. Appointment of Auditors.—The Central Government shall, in any case not later than the thirtieth of April immediately following the close of each financial year, appoint auditors to audit the accounts for the financial year and shall notify their appointment to the Corporation and in the Official Gazette.

37. Production of accounts before the auditors.—The annual accounts shall be set out and produced before the auditors for scrutiny on or before the fifteenth of June each year following the close of the financial year to which they relate:

Provided that on the application of the Corporation, the Central Government may extend the said date by a period not exceeding thirty days.

38. Powers of auditors.—The Corporation shall submit all accounts to the auditors as required by them. The auditors may—

(i) by written notice, require the production before them or before any officer subordinate to them, of any document which they may consider necessary for the proper conduct of their audit;

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(ii) by written notice, require any person accountable for, or having the custody or control of, any such document, to appear in person before them or before any officer subordinate to them ; and

(iii) require any person so appearing before them or before any officer subordinate to them to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

39. Report of auditors.—The auditor's report on the annual accounts to the Corporation on such date and in such form as the Central Government may specify in this behalf and they shall state whether in their opinion the Balance Sheet is a full and fair Balance Sheet containing all necessary particulars and properly drawn up so as to exhibit a true and correct view of the state of the Corporation's affairs and in case they have called for any explanation or information from the Corporation or any of its officer whether it has been given and whether it is satisfactory.

40. Consideration of reports of auditors.—The annual accounts together with the auditors' report thereon shall be considered by the Standing Committee and shall, together with an annual report on the work and activities of the Corporation, be placed for adoption at a meeting of the Corporation to be held before the fifteenth of October following the close of the financial year concerned.

41. Authentication of annual accounts and reports.—The annual accounts and reports as adopted by the Corporation shall be authenticated by affixing the common seal of the Corporation and fair copies thereof shall be submitted to the Central Government not later than the first of November next following.

42 Cost of Audit.—The cost of audit shall be paid by the Corporation by such date as may be specified by the Central Government.

43. Publication of accounts.—The Corporation shall publish the annual accounts and the auditors' report thereon together with replies to each item included in the report within three months of their submission to the Central Government.

44. Impropriety or irregularity in accounts.—(1) The auditors shall submit to the Corporation and the Central Government a separate statement, if necessary, in regard to—

(i) any material impropriety or irregularity which they may observe in the expenditure, or in the recovery of moneys due to, or in the accounts of the Corporation ; or

(ii) any loss or waste of money or other property owned by or vested in the Corporation which has been caused by neglect or misconduct, with the names of the persons who in their opinion are directly or indirectly responsible for such loss or waste.

(2) The Standing Committee shall forthwith remedy any defect or irregularity that may be pointed out by the auditors and shall report to the Central Government the action taken by it thereon within ninety days of the receipt of the report of the auditors :

Provided that if there is a difference of opinion between the Standing Committee and the auditors, or if the Standing Committee does not remedy any defect or irregularity within a reasonable period, the Central Government may, and on a reference specifically made therefor, shall, pass such orders thereon as they think fit and the Standing Committee shall thereafter take action in accordance therewith within such time as may be specified by the Central Government.

45. Disallowance of expenditure incurred and surcharge for loss or deficiency.—(1) The Standing Committee or any authority authorised by it in this behalf may

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after giving the person concerned an opportunity to submit an explanation, and after considering any such explanation, disallow any item of account contrary to the provisions of the Act or of the rules or regulations made thereunder, and surcharge the same on the person making or authorising the making of payment of such account and shall charge against any person accounting, the amount of any deficiency or loss incurred by the negligence or misconduct of that person, or of any sum which ought to have been but is not brought into account by that person, and shall in every such case certify the amount due from such person :

Provided that no certificate made by the authority authorised by Standing Committee shall have effect unless it is approved by the Standing Committee.

(2) The Standing Committee shall state in writing its reasons for every disallowance, surcharge or charge made or approved by it and shall serve a certificate of the amount due and a copy of the reasons for its decision on the person against whom the certificate is made and shall also furnish copies thereof to the Central Government.

(3) Any person aggrieved by a certificate made under this rule may, within one month from the date of the service of the certificate on him under sub-rule (2), file an application to the Central Government for setting aside or modifying the disallowance, surcharge or charge in respect of which the certificate was made.

(4) On receipt of an application under sub-rule (3) or on its own motion, the Central Government may, after making such inquiry as may be necessary, pass such order as it thinks fit either confirming, modifying or setting aside the disallowance, surcharge or charge in respect of which the certificate was made, and the Standing Committee shall thereupon take action in accordance with such order within such time as may be specified by the Central Government.

(5) The Central Government may by order direct that all further action under the certificate made under this rule shall be stayed until the disposal of the matter pending before it under sub-rule (4).

46. Recovery of amounts certified to be due.—(1) Every sum certified to be due from any person by the Standing Committee or if the certificate has been modified by the Central Government, the sum shown to be due from such person in the modified certificate, shall be paid by such person to the Corporation within three months after he has been served with the certificate of the Standing Committee ; or within such longer period as may be allowed by the Central Government ; any such sum, if not so paid, shall be recovered as if it were an arrear of land revenue.

(2) Any sum or part of a sum so paid or recovered, the certificate in respect of which is set aside or modified, shall, as the case may require, be wholly or partly refunded to the person who paid it.

CHAPTER VI.

47. Establishment of Provident Fund.—The Corporation shall establish, maintain and contribute to a Provident Fund called the Employees' State Insurance Corporation Provident Fund (hereinafter referred to as the Provident Fund) in respect of its employees other than those whose services are placed at the disposal of the Corporation by the Central or State Government.

48. Administration of the Provident Fund.—The Provident Fund shall be administered by the Standing Committee of the Corporation or by any other Committee approved by it for the purpose and subject to such conditions as it may deem fit to impose.

49. Framing of provident Fund Regulations.—The Corporation may, subject to the previous approval of the Central Government, make regulations to provide for all other matters incidental to or necessary for the Provident Fund.

FORMS

FORM 1.

(See Rule 21).

Book Number Receipt Number

Received from .....

.....the sum of Rs.....

(in words) ..... on

acccount of.....

Rs.....

Chief Accounts Officer

Authorised Officer

Entered in Cash Book Page No.....

Accountant.

Book Number Receipt Number

Received from .....

.....the sum of Rs.....

(in words) ..... on

account of .....

Rs.....

Chief Accounts Officer

Authorised Officer

The Employees' State Insurance Corporation.

[No. SS.122(1)]

N. M. PATNAIK, *Dy. Secy.*

CORRIGENDUM.

No. L.D. 244, dated Bangalore, the 2nd May 1952.

The following correction shall be made in the Central Boilers Board's No. S.R.O. 363, dated the 12th February 1952, republished in the *Mysore Gazette*, Part IV, Section 1-C, dated the 7th April 1952, page 201, namely :—

For the figure "524" *read* "527".

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.S. 503—L.W. 313-51-4, dated Bangalore, 3rd May 1952.

Whereas His Highness the Maharaja of Mysore is satisfied that public interest requires the declaration of the Iron and Steel Industry in the State to be a public utility service;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (*n*) of section 2 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore is pleased to declare the said Iron and Steel Industry to be a public utility service for the purposes of the said Act for a period of six months from the 15th day of May 1952.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Reg. No. M. 1175.

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PART IV.

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATION.

No. A.F. 9241—C.S. 66-51-2, dated Bangalore, the 23rd January 1952.

Ordered that the accompanying Rules under the Mysore Co-operative Societies Act, 1948 (Act No. LII of 1948), be published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,

Food and Agriculture Departments.

Rules under the Mysore Co-operative Societies Act, 1948 (Act No. LII of 1948).

1. (i) These Rules may be called the Mysore Co-operative Societies Rules, 1948.

(ii) The word 'Act' shall mean the Mysore Co-operative Societies Act, 1948 (LII of 1948).

(iii) Words and expressions used in these Rules shall bear the meanings, respectively assigned to them in the Act.

(iv) 'Sale officer' means an officer of the Department of Co-operation empowered by the Registrar by special or

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general order to attach and sell the property of judgment-debtors or to execute the decisions or awards or orders having the force of decrees passed by the Registrar or Registrars of the Divisions or a Liquidator of a co-operative society or to execute or carry out any other orders of the Registrar or the Registrar of the Division or a Liquidator of a co-operative society in regard to the attachment and sale of property.

(v) Registrar of the Division means a person subordinate to the Registrar who is empowered to exercise in that district the powers of a Registrar under Section 64 of the Act.

(vi) 'Judgment-debtor' means a person against whom a decree, decision, award or order having the force of a decree, has been passed and who has not satisfied the said decree, decision, award or order having the force of a decree.

2. *Application for Registration* :—(i) Every application for the Registration of a society under Section 9, sub-section (i) of the Act shall contain the particulars specified in and be in the form of schedule appended to these Rules.

(ii) With every such application shall be submitted three copies of the bye-laws proposed for the society.

Subject matter of bye-laws.

3. (i) The matters in respect of which every society shall make bye-laws are the following, namely :—

(*a*) the name and address of the society ;

(*b*) the area of operations of the society ;

(*c*) the objects of the society ;

(*d*) the purposes to which its funds are applicable ;

(*e*) the qualifications for admission to membership and the payment, if any, to be made or interest to be acquired as a condition of exercising the right of membership ;

(*f*) the nature and extent of the liability of the members for the debts contracted by the society ;

(*g*) the circumstances under which withdrawal from membership shall be permitted ;

(*h*) the procedure to be followed in cases of withdrawal, ineligibility and death of members ;

(*i*) the conditions, if any, under which the transfer of a share or the interest of a member shall be permitted ;

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(*j*) the nature and amount of the share capital, if any, of the society and where there is a share capital, the maximum share capital which a single member can hold ;

(*k*) the circumstances under which the society may borrow funds and the procedure to be followed in so borrowing ;

(*l*) the entrance and other fees and the fines, if any, to be collected from members ;

(*m*) the maximum loan admissible to a member and the procedure to be followed in granting loans and extensions of time for the repayment or renewals thereof and in recovering loans from members ;

(*n*) the conditions on which loans and extensions of time for the repayment or renewals thereof, may be granted to members ;

(*o*) the consequences of default in payment of any sum due by a member ;

(*p*) the method of appropriating payments made by members from whom moneys are due ;

(*q*) the maximum rate of dividend or bonus payable on the paid-up share capital to members ;

(*r*) the rates of interest payable by the society on borrowed funds and by members on loans granted to them ;

(*s*) in the case of productive and distributive societies, the procedure to be followed in purchasing and selling consumer goods and stores, raw materials and finished products and in stock-taking ;

(*t*) the mode of holding meetings, the right of voting and subject to rule, the manner of making, altering and abrogating bye-laws ;

(*u*) the mode of appointment and removal of the Committee and of other officers, and the duties and powers of the committee and such officers ;

(*v*) the method of recruitment, the conditions of service (leave, provident fund, gratuity, etc.) and the authority competent to fix, revise or regulate the scale of pay and allowances of paid officers and servants of the society and the procedure to be followed in the disposal of disciplinary cases against them ;

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(*w*) the mode of custody and investment of the funds, and, subject to Rule 9A and 9B, the mode of keeping accounts;

(*x*) the authorization of an officer or officers to sign documents and to institute and defend suits and other legal proceedings on behalf of the society;

(*y*) the disposal of the net profits;

(*z*) the preparation and submission of the annual statements prescribed by the Registrar and the publication of the same; and

(*aa*) whether the society is to be affiliated to any financing bank or other institution.

(ii) A society may make bye-laws in respect of any other matters incidental to the management of its business.

Procedure on receipt of application.

4. (i) The Registrar shall examine the application and the bye-laws to satisfy himself that the application and the bye-laws are not contrary to the Act and the Rules, that the bye-laws are suitable for carrying out the objects of the society and that the proposed society has reasonable chances of successful working, having regard to the local conditions and may call for such further information or make such inquiry as he may deem necessary. He may make such alterations in the draft bye-laws submitted with the application as he may deem necessary, provided the written consent of the signatories to the application is obtained to such alterations.

(ii) If the Registrar is not satisfied on all or any of the above-mentioned points, he shall refuse to register the society, but if he is satisfied, he may register the society and the bye-laws and grant to such society free of cost a Certificate of Registration and a copy of the bye-laws as approved and registered by him.

(iii) In every case in which the Registrar refuses to register the society, he shall record in writing the reasons for his refusal and shall communicate his decision to the applicants.

5. The Registrar shall keep a register of the names and addresses of all the societies.

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6. When a society has been registered, the bye-laws submitted under Rule 2, sub-rule (ii) shall, with the modifications approved by the Registrar, become the bye-laws of the society and they shall be read at a general meeting attended by not less than two-fifths of the total number of the members on the register of the society.

Procedure regarding amendment of bye-laws.

7. (1) The following procedure shall be adopted in regard to amendments to the bye-laws of a society :—

(i) Every amendment shall be made only by a resolution passed by a majority, *viz.*, 2/3 of the numbers present at a meeting of the general body of the members of the society.

(ii) No such resolution shall be valid unless notice of the proposed amendment has been given to all the members of the society in accordance with the bye-laws.

(iii) Every application made to the Registrar for the registration of an amendment shall be signed by President and two members of the committee, and shall contain the following particulars, namely :—

(*a*) the date of the general body meeting at which the amendment was made ;

(*b*) the number of days' notice given to convene the general body meeting ;

(*c*) the total number of members of the society on the date of such meeting and the quorum for a meeting of the general body as per the bye-laws ;

(*d*) the number of members present at such meeting ; and

(*e*) the number of members present at the time of voting on the amendment and the number of members who voted for the amendment.

(iv) Notwithstanding anything contained in clauses (i) to (iii), the Registrar may, by order in writing, permit the bye-laws of a society to be amended by such smaller body representing the members of the society as may be prescribed in the bye-laws of the society. In such cases all references to

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general body meetings contained in clauses (i) to (iii) shall be construed as references to the meetings of such smaller body.

(2) In every case in which the Registrar refuses to register an amendment to the bye-laws of a society, he shall briefly record in writing the reasons for his refusal and shall communicate his decision to the society.

N.B.—This rule does not apply to amendments to bye-laws under Section 14 of the Act.

8. (*a*) Notwithstanding anything contained in the bye-laws of a society, no person shall be the Honorary Secretary of a society for a continuous period exceeding three years at a time, except on the sanction, in writing, of the Registrar or the Registrar of the Division, within whose territorial jurisdiction the society is situated, provided that after a continuous period of more than two years preceding the election he has served as Honorary Secretary.

(*b*) The management of every society situated at district headquarters shall vest in a committee consisting of not less than five and not more than fifteen members elected annually in accordance with the bye-laws of the society. Such bye-laws shall make provision to ensure that not less than one half the total number of members of the committee shall be persons who have not served at any time during the previous two consecutive years on the committee of management. The members who have served the longest period will retire.

The Registrar may, in the case of any society in which he considers that facilities for the enforcement of such restriction regarding the number of members of the relieving committee that could be re-elected do not exist, permit all or any of the retiring members of the committee to be re-elected.

Nothing in this Rule shall apply to the Apex Bank, the Central Land Mortgage Bank and the Mysore Co-operative Institute and to any other Co-operative Institution which may be exempted by Government from the operation of this Rule.

(*c*) No person being a member of the credit society except a Land Mortgage Bank or of Central Financing Bank or a House Building Society, shall be a member of

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any other credit society, without the general or special sanction of the Registrar, and where a person has become a member of two such credit societies, either or both of the societies shall be bound to remove him from membership upon a written requisition from the Registrar to that effect :

Provided that a month's notice shall be given to the person to select the society in which he wishes to continue as member, and his objections and wishes are duly considered by the Registrar before making the requisition ;

Provided further that the Registrar may permit persons who are members of more than one credit society to continue their membership in them only for the purposes of discharging their obligations to these institutions within a period to be fixed by him and not for contracting fresh obligations or for serving on the committees of management of such societies.

(*d*) No person shall serve simultaneously on the committees of management of more than one society of the same type without the special or general sanction of the Registrar.

N.B.—The decision of the Registrar as to whether two or more societies are of the same type or not shall be final.

(*e*) Notwithstanding anything contained in the bye-laws of a society, no member who is in default to the society in respect of his dues for a period of three months or more and who has not paid up the amounts overdue at least seven days before the date of the general meeting, in spite of a notice having been issued to him, shall be eligible to vote at the general meeting of such society.

Explanation.—A member shall not be deemed to be a defaulter if he obtains from the committee of management an extension of time for the payment of a debt before it becomes due but not after.

(*f*) If any member during the term he has been elected or appointed to the committee of management or other office of a society continues to be in default to the society in respect of his dues for a period of three months and more, he shall *ipso facto* cease to be a member of the committee of management and to hold the office to which he was elected or appointed.

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Exception.—This Rule does not apply to such of the rural societies as may be exempted by the Registrar and also to such of the urban societies which are considered by him to be in need of such exemption on account of the backwardness of its members.

Books of Accounts to be maintained by societies.

9-A. Every credit society shall keep the following books and accounts, namely :—

(i) A Minute Book in which the proceedings of general meetings shall be recorded.

(ii) A Minute Book in which the proceedings of the committee meetings shall be recorded.

(iii) Register of members and shares and the names of nominees, showing the serial number, name, age and address of each member, the date of his admission, the shares taken up by him and the amount paid by him from time to time towards such shares and the amount of share capital, if any, refunded to him, with the dates of receipts and refunds and also the dividends payable and paid, the date of removal from membership, the reasons therefor, and the date of committee's resolution ordering removal, and the name and address of the nominee and relationship.

(iv) Cash Book showing daily receipts and disbursements and the balance at the end of each day.

(v) Deposit ledgers (one for each kind of deposit).

(vi) Ledger of borrowings of the society.

(vii) Members' loan ledger showing the date of disbursement of each loan, bond number, voucher number, terms of repayment (due date, rate of interest, etc.), dates of repayment amount repaid towards principal, interest or penal interest and balance outstanding.

(viii) Bond register giving particulars of each loan issued and the date of its discharge and return of the bond.

(ix) Register of overdues.

(x) Register of suits filed and decrees obtained.

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(xi) Register of immovable properties of defaulters bought by the society in decree execution sales.

(xii) Receipt book (containing forms in duplicate suitable for carbon copies being taken).

(xiii) Voucher book for receipts obtained by the society for all payments made by the society (serially numbered and chronologically maintained).

(xiv) Register of monthly receipts and disbursements statement.

(xv) General Ledger.

(xvi) In the case of a society with unlimited liability register of properties owned by the members.

N.B.—The statement shall show the assets and liabilities of each individual member on the date of his admission as well as on the 30th June of each subsequent year. Full details of property including Survey numbers, area, assessment, etc., should be given.

(xvii) Balance sheet register.

(xviii) Such other accounts and books as may be prescribed by the Registrar.

9-B. Consumers' or Producers' societies and such societies with credit branches shall maintain all the books and accounts prescribed for credit societies and also the following :—

(i) Goods ledger containing a classification of goods stocked and sold.

(ii) Purchase book.

(iii) Sales book.

(iv) Sales bills.

(v) Register of purchases made by each member and dividend thereon.

10. Every member of a society based on unlimited liability shall submit to such society at the time of his admission as well as at the close of each co-operative year a statement of his assets and liabilities duly verified to be correct and true, in such form as may be prescribed by the Registrar.

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Power of Registrar to direct accounts and books to be written up.

11. The Registrar may by order in writing direct any society to get any or all the accounts and books required to be kept by it under Rule 9 written up to such date, in such form and within such time as he may direct. In case of failure by any society to do so, the Registrar may depute an officer subordinate to him to write up the accounts and books. In such cases, it shall be competent to the Registrar to determine, with reference to the time involved in the work and the emoluments of the officer deputed to do it, the charges which the society concerned should pay to the Government and to direct its recovery from the society.

Certifying copies of entries in books.

12. For the purpose specified in sub-section (1) of section 30 of the Act, a copy of an entry in the books of a society regularly kept in the course of business shall be certified,

(*a*) by not less than two members of its committee of whom one shall be the Secretary and shall also bear the society's seal, or

(*b*) where an order has been passed under section 48 of the Act, appointing a Liquidator of the society, by the Liquidator.

The charges to be levied for the supply of such certified copies shall not exceed the amounts prescribed in that behalf by the Registrar from time to time.

Publication of the balance sheet, etc., by the societies.

13. Soon after the close of the official year (which will be from 1st July to 30th June) the accounts of the society shall be audited and the general meeting held not later than 4 months after the close of the official year. A notice for holding the general meeting together with a copy of the agenda and a calendar of events for holding the election of members to the committee of management shall be sent to all the members not less than 15 days before the date fixed for the annual general meeting. The committee shall publish an annual balance-sheet showing the assets and liabilities of the society, a profit and loss account and a statement of receipts and payments. The balance sheet, the profit and loss account and the statement of receipts and payments, the Auditor's Report and the Committee's replies to the observations of the Auditor and Notes of inspection, if any, of the society

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by the Registrar or of his Assistants, shall be open to the inspection of any member during office hours at the office of the society. Copies of the balance sheet, the profit and loss account and the statement of receipts and payments, the Auditor's report and the Committee's replies to the observations of the Auditor, and such extracts from the Notes of Inspection of the society by the Registrar or his Assistants, as the Registrar may direct, shall be sent to all the members of the society along with the annual report. The Registrar shall have power to exempt societies or class of societies from the operation of this rule to such extent as he may deem fit.

Appointment and registration of nominees.

14. (i) Every member of a society may nominate a person to whom, under sub-section (1) of Section 26 of the Act, his share or interest may be transferred or the value thereof and any sum payable under sub-section (2) of the said Section, may be paid.

(ii) The name and address of every person so nominated shall be entered in the register kept under Rule 9-A, Clause (iii).

(iii) The value of the share or interest of a deceased member referred to in Section 26 of the Act shall be ascertained by the Committee, who shall for this purpose estimate the respective amounts due from and to such member on the day of his death and deduct the former from the latter.

Disputes.

15. (i) The reference to the Registrar of any dispute under Section 52 of the Mysore Co-operative Societies Act, No. LII of 1948, shall be in writing and shall be submitted in the form, if any, prescribed by the Registrar and duly stamped in accordance with the scale, if any, prescribed by Government in this behalf.

(ii) (*a*). Where one of the parties to the dispute is a minor or a person of unsound mind, the Registrar or the Registrar of the Division who is deciding the dispute, on being satisfied of the fact of his minority or unsoundness of mind, shall appoint a proper person to be guardian for such minor or person of unsound mind. The Officer making the appointment, may for sufficient reasons, permit such person to retire or may remove him and appoint a new guardian in his place.

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(*b*) When a necessity arises for the appointment of a guardian to a minor or a person of unsound mind in a dispute before an arbitrator or Board of Arbitrators or other person deciding the dispute, the file may be returned to the Registrar, the Deputy Registrar or the Assistant Registrar who referred the dispute to him, for the appointment of a guardian.

(iii) When the Registrar refers a dispute to arbitration, he may decide whether the arbitration shall be by one person or by more than one. If the arbitration is by one person, the Arbitrator shall be appointed by the Registrar. If the Arbitration is by more than one person, the Board of Arbitrators shall consist of three persons, of whom one shall be appointed by the Registrar at the time of referring the dispute to arbitration, one by the society and one by person or persons against whom the dispute is filed. The nomination referred to above shall be made by the parties concerned within fifteen days after notice by the Registrar, failing which the Registrar may himself make the nominations. The person appointed by the Registrar to the Board of Arbitrators shall be the Chairman of the Board.

(iv) The Registrar, the arbitrator, the Board of Arbitrators or other person deciding the dispute shall have power to administer oaths and to require the attendance of the parties concerned and of witnesses and to require the production of all books and documents relating to the matter of the dispute.

(v) The Registrar, the arbitrator or the chairman of the Board of Arbitrators or other person deciding the dispute shall record a brief note in English or in Kannada the evidence of the parties and the witnesses who attend and upon the evidence so recorded and after consideration of any documentary evidence produced by the parties, a decision or award as the case may be, shall be given in accordance with justice, equity and good conscience, by such Registrar, arbitrator or Board of Arbitrators or other person. The decision or award shall be reduced to writing and signed by the Registrar, Arbitrator or Board of Arbitrators or other person hearing the dispute. If any party duly summoned to attend fails to appear, the dispute may be decided *ex parte*. *Ex parte* decisions or awards may, on sufficient and satisfactory cause for non-attendance being shown, be set aside by the Registrar and the dispute ordered to be disposed of on merits.

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But applications for setting aside *ex parte* decisions or awards should be made within one month from the date of decision or award or from the date of knowledge of such decision or award having been passed. Applications for setting aside *ex parte* decisions or awards should be disposed of after hearing or after giving reasonable opportunity for being heard to both the parties to the dispute.

(vi) (*a*) In disputes settled by a Board of Arbitrators, the award shall be in accordance with the decision of the majority of the members of the Board where it is not unanimous.

(*b*) When an award has been made, the person or persons who made it should cause it to be filed in the office of the Registrar together with any depositions and documents which have been taken and proved before them and notice of the filing shall be given to the parties.

(vii) Where the decision or award involves the payment of money or delivery of grain and such payment is not made within one week or such further time as may be allowed by the Registrar, the Registrar may on the application of the decree-holder issue a certificate as provided for in Section 54 of the Act. The certificate shall be in the following form :—

Office of the Registrar of Co-operative Societies.

Dispute No.....of.....

Petitioner. *Vs.* Counterpetitioner.

Certified that a decree/decision/award as noted in the enclosure has been passed in the above dispute and the same has not been satisfied (or satisfied in part).

Seal of the Registrar. Signature of the Registrar.

(viii) In proceedings under this Rule before the Registrar, the Arbitrator or Board of Arbitrators or other person deciding the dispute, no party to the dispute shall be represented by a Legal Practitioner.

(ix) (*a*) The appeal contemplated in sub-section (5) of Section 52 of the Act shall be preferred in the form of a Memorandum signed by the appellant and presented to the Registrar or Government, as the case may be. The memorandum shall also be accompanied by a copy of the decision appealed from or of the award and shall be stamped according to the scale fixed by Government

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for the decision of disputes under the said Section 52 of the Act.

(b) The Memorandum shall set forth concisely and under distinct heads the grounds of objection to the decision appealed from without any argument or narrative and such grounds shall be numbered consecutively.

(c) When an appeal is filed under the provisions of Section 52, sub-section (5) of the Act, the Registrar or Government may order the stay of execution of the decision appealed against on such terms as to giving security or otherwise, as he or they may deem fit until the appeal is disposed of.

(x) (i) The following shall be the Scale of Batta to be paid to witnesses summoned under Section 53 of the Act and the same shall be paid by the party at whose instance the witness is summoned :—

Witnesses will be divided into three classes :—

Third Class.—Persons whose monthly income is below Rs. 100.

Second Class.—Persons whose monthly income is Rs. 100 and above.

First Class.—Persons whose monthly income is Rs. 250 and above.

Scale of Batta.

Class of witness	Travelling allowance for journey to and from place of hearing where the latter is in a different station from that of the witnesses			Subsistence allowances including expenses per day
	By rail	By road		
		Where there is a public conveyance such as a motor bus plying for hire	Where there is no public conveyance plying for hire	
III class ...	Single lowest class.	Single lowest class fare ...	Two annas per mile.	Twelve annas.
II class ...	Single II class fare.	Single II class or upper class fare where there are only two classes.	Four annas per mile.	One rupee and eight annas.
I class ...	Single II class fare.	The authority summoning the witness may decide and allow single I Class fare where he is satisfied that the witness habitually travels by the highest class available in public conveyances. In other classes, single II class fare only.	Six annas per mile.	Three rupees.

N.B.—When the witness resides in the same station as the place of hearing, it will be discretionary with the authority summoning the witness to allow reasonable hire for conveyance (if one is used) in accordance with the status of the witness instead of the subsistence allowances.

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(ii) On every dispute referred to the Arbitrator or Board of Arbitrators, a fee not exceeding rupee one per dispute shall be paid by the petitioner to the Arbitrator or Board of Arbitrators as incidental expenses.

(iii) Expenses under (i) and (ii) above shall be treated as costs of the dispute and the authority deciding the dispute shall have full power to determine by whom or out of what property and to what extent such costs and all other costs incidental to the dispute are to be paid and to give all necessary directions for the purposes aforesaid. Where the authority deciding the dispute directs that any costs shall not follow the event, the authority shall state its reasons in writing.

Interest on cost at any rate not exceeding six per cent per annum may be awarded and such interest shall be added to the costs and shall be recoverable as such.

(xi) When the decision or award passed under this Rule is executed through the Revenue Agency, all process fees and commission not exceeding 2½ per cent on the amounts realised, whenever special agency is employed by the Revenue authorities for the realisation of claims, shall be recovered from the party or parties against whom the decision or award has been passed, as costs of execution and credited to Government.

N.B.—The word "Registrar" in this Rule shall include the Deputy or Assistant Registrar of Co-operative Societies within whose territorial jurisdiction the society concerned is situated.

16. (1) Every summons issued under the Act shall be in writing, shall be authenticated by the seal, if any, of the Officer by whom it is issued and shall be signed by such Officer or by any person authorized by him in writing in that behalf. Mode of service of summons.

It shall require the person summoned to appear before the said Officer at a stated time and place, and specify whether his attendance is required for the purpose of giving evidence, or to produce a document, or for both purposes; and any particular document, the production of which is required, shall be described in the summons with reasonable accuracy.

(2) Any person may be summoned to produce a document, without being summoned to give evidence; and

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any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced, instead of attending personally to produce the same.

(3) The service of summons under the Act and the Rules, on any person may be effected in any of the following ways :—

(*a*) by giving or tendering it to such person ; or

(*b*) if such person is not found, by leaving it at his last known place of abode or business or by giving or tendering it to some adult member of his family ; or

(*c*) if the address of such person is known to the Registrar or other authorised person, by sending it to him by post registered : or

(*d*) if none of the means aforesaid is available, by affixing it in some conspicuous part of his last-known place of abode or business.

(4) Person served to sign acknowledgment : Where the serving officer delivers or tenders a copy of the summons to the party personally or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered, to an acknowledgment of service endorsed on the original summons.

(5) Endorsement of time and manner of service :—The serving officer shall in all cases in which the summons has been served under sub-rule (4), endorse or annex, or cause to be endorsed or annexed, on or to the original summons a return stating the time when and the manner in which the summons was served and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of the summons.

(6) Service on civil public officer or on servant of railway company or local authority :—

Where the defendant is a public officer or is the servant of a railway company or local authority, the officer issuing the summons may, if it appears that the summons may be most conveniently so served, send it by registered post,

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pre-paid for acknowledgment, for service on the defendant, to the head of the office in which he is employed together with a copy to be retained by the defendant.

17. (*a*) The reserve fund of a society shall be indivisible and no member shall be entitled to claim a specified share therein. Any loss or portion of loss on account of bad debts written off during any year may, with the sanction of the Registrar, be debited to the reserve fund: Provided that (i) no loss be debited to the reserve fund without the sanction of the general body, and (ii) before any such loss is debited, the society shall obtain the consent of the financing Bank, if any, to which it is indebted.

(*b*) The reserve fund shall be invested in one or more of the modes specified in Section 36 of the Act.

(*c*) With the previous sanction of the Registrar, the Reserve Fund of a society or a part thereof may be utilised as working capital of the society or it may be invested in the purchase or leasing of land or in the construction or acquisition of buildings, or in such other manner as may be necessary or desirable for the conduct of the society's business.

(*d*) On the dissolution of a society, the reserve fund together with the other funds constituted by it out of the profits shall be applied to (i) discharging such liabilities of the society as may remain undischarged out of the assets of the society (ii) to the repayment of the share capital paid up and (iii) if for any period, no dividend has been paid out of profits, to the payment of a dividend for such period at a rate not exceeding four per cent per annum. Such portion of the funds as may remain after the payments mentioned above have been made shall be applied to such local objects of public utility as may be decided upon by the general body of members and approved by the Registrar. If within three months of the dissolution of a society, the general body of members fail to make any selection approved by the Registrar, the Registrar shall credit the funds to the Reserve Fund of any co-operative society with similar objects that may be working in the neighbourhood of the dissolved society or to the Mysore Co-operative Institute.

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18. (i) A member of a Co-operative Society shall not, without the sanction of the Registrar, receive in dividend and bonus for one year, a sum exceeding six and a quarter per cent on the share capital actually paid up by him.

(ii) Penal interest recovered from members in accordance with the bye-laws and rules of business of the society shall not be appropriated towards profits except with the express approval of the Registrar.

(iii) In a society with unlimited liability all the net profits shall be credited to the Reserve Fund of the society and no dividend or bonus or honorarium shall be paid except with the general or special sanction of the Registrar.

(iv) Every society may earmark 2½ per cent of its net profits subject to a maximum of Rs. 100 in any case, to co-operative propaganda and education.

(v) The bonus or honorarium payable to the office-bearers of Co-operative Societies who hold office honorarily shall not ordinarily exceed in the aggregate 15 per cent of the net profits remaining after contribution to the Reserve Fund subject to a maximum of Rs. 300. The Registrar may, in special circumstances, permit payment, if sanctioned by the General Body, up to Rs. 500 subject to the above limitation of 15 per cent of the net profits remaining after contribution to the Reserve Fund. In cases where the bonus calculated on the above basis falls below Rs. 30, the General Body may, subject to the approval of the Registrar, sanction a bonus not exceeding Rs. 30, whether or not such bonus exceeds 15 per cent of the net profits as hereinto before mentioned. Where no clerical assistance is given to the Secretary, an additional 5 per cent may be allowed to him notwithstanding the fact that such addition may make the whole bonus exceed Rs. 300.

19. Notwithstanding anything contained in these rules or in the bye-laws of a society as to the mode of summoning a general meeting and the quorum, the object, time and place of such meeting, the Registrar or any person authorised by the Registrar may summon at any time a special general meeting of the society in such manner and at such time and place as he may direct and he may specify what matters shall be discussed at the meeting.

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Such meeting shall have all the powers of an ordinary general meeting called according to these rules and the bye-laws of the society.

20. Every society shall, from time to time and whenever called upon, furnish the Registrar with such information and with such returns as he may require.

21. Every society accepting deposits from individuals and institutions shall provide for fluid resources in such manner and according to such standards as may, from time to time, be prescribed by the Government in consultation with the Financing Bank. The Government may, however, empower the Registrar by general or special order to relax the standard prescribed for a particular society or for a particular class of societies for specified period.

22. (1) It shall be open to the Registrar to order the removal of any officer of a society and also disqualify or debar him from serving on the committee or from holding any office in the society for such period not exceeding three years as he may deem necessary, if he is satisfied that such officer has acted or has been acting fraudulenty or with gross negligence or in contravention of the bye-laws and subsidiary rules of the society or without the sanction of the committee of management when such sanction is necessary or contrary to the resolution of the committee of management or against the lawful written orders issued under the provisions of the Mysore Co-operative Societies Act and the Rules thereunder or in any way prejudical to the best interests of the society:

Provided that (*a*) the Registrar shall give such person a full opportunity to explain his conduct ; (*b*) the committee of management of the society concerned shall also be heard or given a reasonable opportunity of being heard in the matter ; (*c*) the objection to the continuance of such person on the committee or as other officer or to his election or appointment thereto shall be recorded in full and communicated to the committee of the society and the person concerned and (*d*) an appeal by the person affected shall lie to Government within one month from the date of receipt of such orders of the Registrar by him.

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(2) Any person against whom an order is passed under clause (1) of this rule shall not be liable to be an officer or serve on the committee of another registered society in Mysore during the period the disqualification operates.

23. (1) Every society will be liable to pay each year such audit fee as the Registrar may prescribe in accordance with the scale fixed by Government.

(2) The Registrar may, in his discretion, remit the whole or any part of the fee payable under sub-rule (1) by any particular society or by any particular class of societies for such time as is deemed necessary in each case.

(3) The audit fee levied under sub-rule (1) shall be paid by the Society to the Registrar within a fortnight from the date of completion of the audit and on failure to pay as aforesaid, it shall be recoverable in the manner specified in section 63 of the Mysore Co-operative Societies Act.

24. The total amount of loans issued by any Co-operative Society in the State and outstanding against the members of its managing committee in the aggregate shall not at any time exceed twenty-five per cent of the total of all loans issued by the society and outstanding against its members at that time :

Provided that the Registrar may, for sufficient reasons and subject to such restrictions as may be considered necessary, exempt any particular society or class of societies from the operation of this rule.

25. No loan shall be granted by a Financing Bank to any member other than a registered society except with the general or special sanction of the Registrar.

26. The following procedure shall be adopted by a liquidator appointed under Section 48 of the Act :

(*a*) The liquidator shall take into his custody or under his control all the books, registers and accounts belonging to the society and all the property, effects and auctionable claims to which the society is entitled.

(*b*) The liquidator shall ascertain what the dues and other assets of the society and its debts and liabilities are, and shall investigate all claims against the society. The

liquidator shall publish in such manner as he thinks proper a notice requiring all claims against the dissolved society to be submitted to him within two months from the date of publication thereof. All liabilities recovered in the account books of the society shall be deemed *ipso facto* to have been duly submitted to him.

(*c*) The liquidator shall decide questions of priority arising between claimants and shall draw up a scheme for the payment of their dues.

(*d*) The liquidator shall recover all sums and other properties to which the society is entitled and may institute such suits for that purpose or such suits incidental to liquidation proceedings as he may think proper.

(*e*) The liquidator may empower any person to make collections and to grant valid receipts on his behalf.

(*f*) If the assets of the society are not sufficient to cover the costs of liquidation and to pay off the liabilities of the society, the liquidator shall—

(i) determine the contribution to be made by the members and past members or by the estates, nominees, heirs or legal representatives of deceased members or by any officers or former officersr espectively to the assets of the society, and

(ii) determine by what persons and in what proportion the costs of liquidation are to be borne,

(iii) should necessity arise, he may also pass subsidary order or orders regarding such contributions and such orders shall be enforceable in the same manner as the original orders themselves.

(*g*) The liquidator may apply to the Deputy Commissioner of the district or to the Civil Court having local jurisdiction for the execution of his orders in respect of the payment of contribution and the costs of liquidation under section 54 of the Act. Every such application shall be made in the same manner and (so far as may be) shall contain such particulars as is provided in the case of applications for the execution of decrees under the Code of Civil Procedure.

(*h*) The liquidator shall keep such books and accounts as may from time to time be prescribed by the Registrar, who may at any time cause such books and accounts to be audited.

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(*i*) The liquidator shall deposit the funds and other assets of the dissolved society which are collected by him or which may come into his possession as liquidator, in such manner and in such place as may, from time to time, be determined by the Registrar.

(*j*) The Registrar shall fix the amount of remuneration, if any, to be paid to the liquidator out of the assets of the society.

(*k*) The liquidator may call for meetings of the members of the society from time to time.

(*l*) The liquidator shall, once a month submit to the Registrar a report showing the progress made in winding up the affairs of society and shall, on completion of the liquidation proceedings, convene a general meeting of the members of the dissolved society at which the liquidator shall summarise his proceedings and report what sum, if any, remains in his possession meeting all the liabilities of the society including the share capital and the dividend thereon as per Clause (*d*) of Rule 17 of these rules to enable the members of the dissolved society to decide as to what objects of local public utility the said sum may be applied. The liquidator shall submit his final report to the Registrar with a copy of the proceedings of the general meeting referred to above and make over to the Registrar all books, books and registers and accounts, etc., belonging to the society and all books and accounts relating to the liquidation proceedings kept by him.

27. Disposal of records of a society which is finally wound up and whose registration is cancelled.

All the books and records of a society whose registration has been cancelled may be destroyed by the Registrar after the expiry of three years from the date of completion of the winding up.

Interlending.

28. For purposes of sub-section (1) of section 33 of the Act, a loan means and includes a deposit made by one society with another society.

Procedure in execution of decrees, decision, award or contribution, Order; Officer to whom application should be addressed.

29. (1) The provisions of Section 64 and 65 in regard to the recovery of the sums specified in Section 64 shall apply in regard to the recovery of like sums due to co-operative societies registered under any law for the

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time being in force in the province of Madras as if such Societies had been registered under the Mysore Co-operative Societies Act.

(2) Any decree-holder requiring the provisions of section 64 of the Act to be applied shall apply to the Registrar of Division in which the cause of action arose and shall deposit the necessary costs on a scale prescribed by the Registrar. Where, in connection with the proceedings on an application under section 64 of the Act any person requires the issue of any process, or objects to any process issued or proposed to be issued, or requires the adjournment of any proceedings or objects to any order passed, he shall pay such fee as may be prescribed by the Registrar in this behalf. If the judgment-debtor resides or the property to be proceeded against is situated in a division other than that in which the cause of action arose, the application shall be made to the Registrar of the Division in which the cause of action arose who shall transfer the application to the Registrar of the Division where the judgment-debtor resides or the property is situated.

(3) Where a judgment debtor dies before the decree, decision or award has been fully satisfied an application under sub-rule (1) may be made against the legal representative of the deceased and thereupon all the provisions of this rule shall, save as otherwise provided in this sub-rule, apply as if such legal representative were the judgment-debtor.

Where the decree is executed against such legal representative, he shall be liable only to the extent of the property of the deceased which has come to his hands and has not been duly disposed of; and for the purpose of ascertaining such liability, the Registrar executing the decree may, of his own motion or on the application of the decree-holder, compel such legal representative to produce such accounts as he thinks fit.

Property in the hands of a son or other descendant who is liable under Hindu Law for the payment of the debt of a deceased ancestor in respect of which a decree has been passed, shall be deemed to be the property of the deceased which has come to the hands of the son or other descendant as his legal representative.

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Procedure on receipt of the application by the Registrar.

(4) The application shall be made in the form prescribed by the Registrar and shall be signed by the decree-holder. The decree-holder may indicate whether he wishes to proceed in the first instance, against the immovable property mortgaged to the decree-holder or other immovable property or to secure the attachment of movable property. On receipt of the application, the Registrar of the Division shall verify the correctness and genuineness of the particulars set forth in the application with the records, if any, in his office, and prepare a demand notice in writing in duplicate in the form prescribed by the Registrar, setting forth the name of the judgment-debtor, the amount due and forward it to a sale officer. If the judgment-debtor resides or the property is situated outside the jurisdiction of the Registrar of the Division to whom the application is made such Registrar shall forward the application and the demand notice to the Registrar of the Division in which the judgment-debtor resides or the property is situated.

Order in which proceedings shall be taken.

(5) Unless the decree-holder has expressed a desire that proceedings should be taken in a particular order as laid down in sub-rule (3), execution shall ordinarily be taken in the following manner :—

(i) Movable property of the judgment-debtor shall be first proceeded against, but this shall not preclude the immovable property being proceeded against simultaneously in case of necessity.

(ii) If there is no movable property, or if the sale proceeds of the movable property, or properties attached and sold are insufficient to meet in full the demand of the decree-holder, the immovable property belonging to the judgment-debtor may be proceeded against.

Rules for seizure and sale of moveable property. Defaulter be served with demand notice.

(6) In the seizure and sale of movable property, the following rules shall be observed :

(*a*) The sale officer shall, after giving previous notice to the decree-holder, proceed to the town or village where the judgment-debtor resides or the property to be distrained is situated and serve the demand notice upon the judgment-debtor if he is present. If the amount due together with the expenses be not at once paid, the sale officer shall

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make the distress and shall immediately deliver to judgment-debtor a list or inventory of the property distrained and an intimation of the place and day and hour at which the distrained property will be brought to sale if the amounts due are not previously discharged. If the judgment-debtor is absent, the sale officer shall serve the demand notice on some adult male member of his family, or on his authorized agent, or when such service cannot be effected, shall affix a copy of the demand notice on some conspicuous part of his residence. He shall then proceed to make the distress and shall affix the list of the property attached on usual place of residence of the judgment-debtor endorsing thereon the place where the property may be lodged or kept and an intimation of the place, day and hour of sale.

(*b*) After the distress is made, the sale officer may arrange for the custody of the property attached, with the decree-holder or otherwise. Custody of distrained property.

If the sale officer requires the decree-holder to undertake the custody of the property, he shall be bound to do so and any loss incurred owing to his negligence shall be made good by the decree-holder. If the attached property is live-stock, the decree-holder shall be responsible for providing the necessary food therefor.

The sale officer, may, at the instance of the judgment-debtor or of any person claiming an interest in such property, leave it in the village or place where it was attached, in the charge of such judgment-debtor or person, if he enters into a bond in the form prescribed by the Registrar with one or more sufficient sureties for the production of the property when called for.

(*c*) The distress shall be made after sunrise and before sunset and not at any other time. Time of distress.

(*c*) The distress levied shall not be excessive, that is to say, the value of the property distrained shall be as nearly as possible, proportionate to the sum due by the judgment-debtor together with interest and all expenses incidental to the distraint, detention and sale. Distress to be proportionate to arrears due.

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Distrained cattle or property not to be used.

(e) The sale officer, shall not work the bullocks or cattle or make use of the goods or effects distrained and he shall provide the necessary food for the cattle or livestock, the expense attending which shall be defrayed by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.

What places sale officer may force open.

(f) It shall be lawful for the sale officer to force open any stable, cowhouse, granary, godown, out-house or other building and he may also enter any dwelling house, the outer-door of which may be open, and may break open the door of any room in such dwelling house for the purpose of attaching property belonging to a judgment debtor and lodged therein provided always that it shall not be lawful for the sale officer to break open or enter any apartment in such dwelling house appropriated for the zenana or residence of women except as hereinafter provided.

Powers of sale officer to force open doors in presence of police officer.

(g) where the sale officer may have reason to suppose that the property of a judgment-debtor is lodged within a dwelling house, the outer door of which may be shut, or within any apartments appropriated to women, which, by the usage of the country, are considered private, the sale officer shall represent the fact to the officer in charge of the nearest police station.

On such representation, the officer in charge of the said station shall send a Police officer to the spot in the presence of whom the sale officer may force open outer door of such dwelling house, in like manner as he may break open the door of any room within the house except the zenana.

The sale officer may also, in the presence of the Police officer, after due notice given for the removal of women within a zenana and, after furnishing means for their removal in a suitable manner, (if they be women of rank who, according to the customs of the locality, cannot appear in public), enter the zenana apartment for the purpose of distraining the judgment-debtor's property, if any, deposited therein, but such property, if found, shall be immediately removed

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from such apartments, after which they shall be left free to the former occupants.

(*h*) The sale officer shall (on the day previous to and on the day of sale) cause proclamation of the time and place of the intended sale to be made by beat of drum in the village in which the judgment-debtor resides and in such other place or places as the Registrar may consider necessary to give due publicity to the sale.

Proclamation of time and place of sale and of property to be sold.

No sale shall take place until after the expiration of the period of 15 days from the date on which the sale notice has been served or affixed in the manner prescribed in clause (a). Provided that where the property seized is subject to speedy and natural decay, (or where the expenses of keeping it in custody are likely to exceed its value) the sale officer may sell it at any time before the expiry of the said period of 15 days unless the amount due is sooner paid.

Provided also that where property attached under sections 50 or 52, is subject to speedy and natural decay or where the expenses of keeping it in custody are likely to exceed its value, the sale officer may sell it at any time before the expiry of the said period of 15 days, and deposit the sale proceeds, less cost, in the nearest Government Treasury unless the amount specified in the order of attachment is paid earlier.

(*i*) At the appointed time, the property shall be put up in one or more lots, as the sale officer may consider advisable, and shall be disposed of to the highest bidder.

Sale how conducted.

Provided that it shall be open to the sale officer to decline to accept the highest bid where the price offered appears to be unduly low or for other reasons.

Where the property is sold for more than the amount due, the excess amount, after deducting the interest and the expenses or process and the other charges, shall be paid to the judgment-debtor.

Provided, further, that the Registrar of the Division or the sale officer, may, in his discretion, adjourn the sale to a specified day and hour, recording his reasons for such adjournment. Where a sale is so adjourned for a longer period than seven days, a fresh proclamation under clause (h) shall be made, unless the judgment-debtor consents to waive it.

The sale officer is entitled to the protection of the Judicial Officers (Protection) Act.

Payment on purchase of distrained property.

(*j*) (i) The property shall be paid for in cash at the time of sale, or as soon thereafter, as the officer holding the sale shall specify, and the purchaser shall not be permitted to carry away any part of the property until he has paid for it in full.

Resale in case of default :—(ii) Where the purchaser fails in the payment of the purchase money, the property shall be resold.

Penalty for forcibly or clandestinely taking away distrained property.

(*k*) Where it is proved to the satisfaction of any civil court of competent jurisdiction that any property which has been distrained under these rules, has been forcibly or clandestinely removed by any person, the court may order forthwith such property to be restored to the sale officer.

Withdrawal of distress on tender of moneys due and expenses prior to sale.

(*l*) Where prior to the day fixed for sale, the judgment-debtor or any person claiming an interest in the property attached, pays the full amount due including interest, batta and other costs incurred in attaching the property, the sale officer shall cancel the order of attachment and release the property forthwith.

What property is exempt from attachment.

(*m*) The movable properties mentioned as exempt from attachment in the proviso to section 60 of the Code of Civil Procedure, 1911, shall not be liable to attachment or sale under these rules.

Attachment of salary or allowance of public officer or servant of railway company or local authority or firm.

(7) Where the movable property to be attached is the salary or allowance or wages of a public officer or of a servant of a railway company or local authority or a firm or a company, the Registrar of the Division may, on receiving a report from the sale officer, order that the

amount shall, subject to the provisions of section 60 of the Code of Civil Procedure, 1911, be withheld from such salary or allowances or wages either in one payment or by monthly instalments as the said Registrar may direct and upon notice of the order, the officer or other person whose duty it is to disburse such salary or allowance or wages shall withhold and remit to the sale officer, the amount due under the order or the monthly instalment, as the case may be.

Attachment of share or interest in movables.

(8) (i) Where the property to be attached consists of the share or interest of the judgment-debtor in movable property belonging to him and another as co-owners, the attachment shall be made by a notice to the judgment-debtor, prohibiting him from transferring the share or interest or charging it any way.

Attachment of negotiable instrument.

(ii) Where the property to be attached is a negotiable instrument not deposited in a Court, nor in the custody of a public officer, the attachment shall be made by actual seizure and the instrument shall be brought to the Office of the Registrar of the Division ordering the attachment and be held subject to his further orders.

Attachment of property in custody of court or public officer.

(iii) Where the property to be attached is in the custody of any court or public officer, the attachment shall be made by a notice to such court or officer, requesting that such property and any interest or dividend becoming payable thereon may be held subject to the further orders of the Registrar of the Division issuing the notice.

Provided that, where such property is in the custody of a Court or Registrar of another Division, any question of title or priority arising between the decree-holder and any other person not being the judgment-debtor, claiming to be interested in such property by virtue of any assignment, attachment or otherwise shall be determined by such court or Registrar.

Explanation.—In this sub-rule, 'public officer' includes a liquidator appointed under section 48 of the Act.

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Attachment of decree.

(9) (i) Where the property to be attached is a decree either for the payment of money or for sale in enforcement of a mortgage or charge, the attachment shall be made :—

(*a*) If the decree sought to be attached was passed by a Registrar or by any person to whom a dispute was transferred by a Registrar under Section 52 of the Act or by an arbitrator or Board of arbitrators within the local limits of the jurisdiction of a Registrar, then by the order of the Registrar concerned ;

(*b*) If the decree sought to be attached was passed by a Court and has not been sent for execution to any other court, then by the issue to such court of a notice by the Registrar concerned, requesting such court to stay the execution of its decree unless and until,

(A) the Registrar aforesaid cancels the notice, or

(B) the holder of the decree sought to be executed, or the judgment-debtor, applies to the court receiving such notice to execute its own decree ; and

(C) if the decree sought to be attached is pending execution in a court which did not pass the same then by the Registrar of the Division seeking to attach such decree in execution, sending the notice referred to in sub-clause (*b*) to such court, whereupon the provisions of that sub-clause shall apply in the same manner as if such court has passed the decree and the said notice had been sent to it in pursuance of the said sub-clause.

(ii) Where a Registrar makes an order under sub-clause (a) of clause (i) or when a court receives an application under sub-head (B) of sub-clause (b) of the said clause, such Registrar or court shall, on the application of the decree-holder who has attached the decree or his judgment-debtor, proceed to execute the attached decree and apply the net proceeds in satisfaction of the decree sought to be executed.

(iii) The holder of a decree sought to be executed by the attachment of another decree of the nature specified in clause (i), shall be deemed to be the representative of the holder of the attached decree and to be entitled to execute such attached decree in any manner lawful for the holder thereof.

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(iv) Where the property to be attached in execution of a decree is a decree other than a decree of the nature referred to in clause (i), the attachment shall be made by the issue of a notice by the Registrar of the Division to the holder of such decree, prohibiting him from transferring or charging the same in any way; and where such decree has been passed by any court or by a different Registrar or by a person to whom a dispute was transferred under section 52 of the Act by a different Registrar or by an arbitrator or Board of arbitrators in another Division also by sending to such court or to the Registrar of the Division concerned, as the case may be, a notice to abstain from executing the decree sought to be attached until such notice is cancelled by the Registrar who sent the notice.

(v) The holder of a decree attached under this sub-rule, shall give the court or the Registrar of the Division executing the decree such information as may reasonably be required.

(vi) On the application of the holder of a decree sought to be executed by the attachment of another decree, the Registrar of the Division making an order of attachment under this sub-rule shall give notice of such order to the judgment-debtor bound by the decree attached; and no payment or adjustment of the attached decree made by the judgment-debtor in contravention of such order after receipt of notice thereof, either through the said Registrar or otherwise, shall be recognised so long as the attachment remains in force.

Attachment of debt, share and other property not in possession of defaulter.

(10) Where the movable property to be attached is:—

(*a*) a debt due to the judgment-debtor in question,

(*b*) a share in the capital of a corporation or a deposit invested therein, or

(*c*) other movable property not in possession of the judgment-debtor, except property deposited in, or in the custody of, any Civil Court, the attachment shall be made by a written order signed by the Registrar of the Division prohibiting:—

(i) in the case of the debt, the creditor from recovering the debt and the debtor from making payment thereof;

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(ii) in the case of the share or deposit, the person in whose name the share or the deposit may be standing, from transferring the share or deposit or receiving any dividend or interest thereon ;

(iii) in the case of the other movable property except aforesaid, the person in possession of it over to the judgment-debtor.

A copy of such order shall be sent, in the case of the debt, to the debtor; in the case of the share or deposit, to the proper officer of the corporation; and in the case of other movable property (except as aforesaid), to the person in possession of such property. As soon as the debt referred to in clause (a) or the deposit referred to in clause (b) matures, the Registrar of the Division may direct the person concerned to pay the amount to him. Where the share is not withdrawable, the said Registrar shall arrange for its sale through a broker. Where the share is withdrawable, its value shall be paid to the said Registrar or to the party concerned as soon as it becomes payable. In the case of the other movable property referred to in clause (c), the person concerned shall place in the hands of the said Registrar, as soon as it becomes deliverable to the judgment-debtor.

(11). Immovable property shall not be sold in execution of a decree unless such property has been previously attached ;

Provided that where the decree has been obtained on the basis of a mortgage of such property, it shall not be necessary to attach it.

Procedure in attachment and sale of immovable property.

(12) In the attachment and sale (or sale without attachment) of immovable property, the following rules shall be observed :—

Description of immovable property to be proceeded against.

(*a*) The application present under sub-rule (3) shall contain a description of the immovable property to be proceeded against, sufficient for its identification, and in case such property can be identified by boundaries or numbers in a record of settlement or survey, the specification of the judgment-debtor's share or interest in such

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property to the best of the belief of the decree-holder and so far as he has been able to ascertain it.

(*b*) The demand notice issued by the Registrar under sub-rule (3) shall contain the name of the defaulter, the amount due, including the expenses, if any, and the batta to be paid to the person who shall serve the demand notice, the time allowed for payment and in case of non-payment, the particulars of the properties to be attached and sold or to be sold without attachment, as the case may be. After receiving the demand notice, the sale officer shall serve or cause to be served a copy of the demand notice upon the judgment-debtor or upon some adult male member of his family at his usual place of residence or business or upon his authorised agent, or if such personal service is not possible, shall affix or cause to be affixed a copy thereof on some conspicuous part of his last known residence, or on some conspicuous part of the immovable property about to be attached and sold or sold without attachment, as the case may be:

Mode of service of demand notice.

Provided that where the Registrar is satisfied that a judgment-debtor with intent to defeat or delay the execution proceedings against him is about to dispose of the whole or any part of his property, the demand notice issued by the Registrar under sub-rule (3) shall not allow any time to the judgment-debtor for payment of the amount due by him and the property of the judgment-debtor shall be attached forthwith.

(*c*) If the judgment-debtor fails to pay the amount specified in the demand notice within the time allowed, the sale officer shall proceed to attach and sell or sell without attachment, as the case may be, the immovable property noted in the application for execution in the following manner.

Procedure when defaulter neglects to pay.

(*d*) Where attachment is required before sale, the sale officer shall, if possible, cause a notice of attachment to be served on the judgment-debtor personally. Where personal service is not possible, the notice shall be affixed in some conspicuous part of the judgment-debtor's last known residence, if any. The fact of attachment shall also be proclaimed by beat of *tom tom* or other customary mode at some place on or adjacent to such property and at such other place or places as the Registrar of the Division may consider necessary to give due publicity to the sale.

Mode of attachment.

The attachment notice shall set forth that unless the amount due with interest and expenses be paid within the date therein mentioned, the property will be brought to sale. A copy shall be sent to the decree-holder. Where the sale officer so directs, the attachment shall also be notified by public proclamation in the official Gazette.

Proclamation before sale.

(*e*) Proclamation of sale shall be published by affixing a notice in the Office of the Registrar of the Division and also in the Taluk Office at least thirty days before the date fixed for the sale and also by beat of *tom tom* in the village on two consecutive days previous to the date of sale and on the day of sale prior to the commencement of the sale. Such proclamation shall, where attachment is required before sale, be made after the attachment has been effected. Notice shall also be given to the decree-holder and the judgment-debtor. The proclamation shall state the time and place of sale and specify as fairly and accurately as possible :—

(i) the property to be sold ;

(ii) any encumbrance to which the property is subject ;

(iii) the amount for the recovery of which the sale is ordered, and

(iv) every other matter which the sale officer considers material for a purchaser to know, in order to judge the nature and value of the property.

Sale to be by public auction.

(*f*) When any immovable property is sold under these rules, the sale shall be subject to the prior encumbrances on the property, if any. The decree-holder shall, when the amount for the realisation of which the sale is held exceeds Rs. 100, furnish to the sale officer within such time as may be fixed by him or by the Registrar of the Division an encumbrance certificate from the Registration Department for a period of not less than twelve years prior to the date of attachment to the property sought to be sold, or in the cases falling under the proviso to sub-rule 10, prior to the date of the application for execution. The time for production of the encumbrance certificate may be extended at the discretion of the sale officer or the Registrar of the Division as the case may be. The sale shall be by public auction to the highest bidder, provided that it shall be open to the sale officer to declines to accept the highest bid where the price offered appears

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to be unduly low or for other reasons and provided also that the Registrar of the Division or the sale officer may, in his discretion, adjourn the sale to a specified day and hour, recording his reasons for such adjournment. Where a sale is not adjourned for a longer period than seven days, a fresh proclamation under clause (*e*) shall be made, unless the judgment-debtor consents to waive it. The sale shall be held after the expiry of not less than thirty days calculated from the date on which the notice of the proclamation was affixed in the Office of the Registrar of the Division. The time and place of sale shall be fixed by the Registrar of the Division and the place of sale shall be the village where the property to be sold is situated or such adjoining prominent place of public resort as may be fixed by the said Registrar :

Provided that in cases where an encumbrance certificate is not obtainable owing to the destruction of the connected records, an affidavit from the village Shanbhogue in regard to the encumbrances known to him supported by a certificate from the Registration Department that the encumbrance certificate cannot be granted owing to the destruction of the connected records, shall be accepted in the place of an encumbrance certificate.

Deposit by purchaser and resale on default.

(*g*) A sum of money equal to 25 per cent of the bid (purchase price) of the immovable property shall be deposited by the purchaser, in the hands of the sale officer at the time of the purchase, and in default of such deposit, the property shall forthwith be resold ;

Provided that, where the decree-holder is the purchaser and is entitled to set off the purchase money under clause (*k*), the sale officer shall dispense with the requirements of this rule.

Time for payment of the balance of the purchase money.

(*h*) The remainder of the purchase money and the amount required for the general stamp for the certificate under clause (v) of sub-rule (14) shall be paid within fifteen days from the date of sale :

Provided that the time for payment of the cost of the stamp may, for good and sufficient reasons, be extended at the discretion of the Registrar of the Division up to thirty days from the date of sale :

Provided further, that in calculating the amounts to be paid under this clause, the purchaser shall have the

advantage of any set off to which he may be entitled under clause (*k*) of this sub-rule; and

Procedure in default of payment.

(*i*) In default of payment within the period mentioned in the last preceding clause, the deposit may, if the Registrar thinks fit after defraying the expenses of the sale, be forfeited to the Government and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may subsequently be sold.

Notification on resale.

(*j*) Every resale of immovable property, in default of payment of the amounts mentioned in clause (*h*) within the period allowed for such payment shall be made after the issue of a fresh proclamation in the manner and for the period hereinbefore prescribed for the sale.

Where decree-holder purchases, amount of decree shall be taken as payment.

(*k*) Where a decree-holder purchases the purchase money and the amount due on the decree shall be set off against one another and the sale officer shall enter up satisfaction of the decree in whole or in part accordingly.

Release of property on payment of amount due.

(13) Where prior to the date fixed for sale, the judgment-debtor or any person acting on his behalf or any person claiming an interest in the property sought to be sold, tenders payment of the full amount due together with interest, batta and other expenses incurred in bringing the property to sale, including the expenses of attachment, if any, the sale officer shall forthwith release the property after cancelling, where the property has been attached, the order of attachment.

Application to set aside sale on deposit.

(14) (i) Where immovable property has been sold by the sale officer, any person either owning such property or holding an interest therein by virtue of a title acquired before such sale, may apply to have the sale set aside on his depositing with the Registrar of the Division :—

(*a*) for payment to the purchaser, a sum equal to 5 per cent of the purchase money and

(*b*) for payment to the decree-holder, the amount of arrears specified in the proclamation of sale for recovery of which the sale was ordered together with interest thereon and the expenses of attachment, if any, and sale and other costs due in respect of such amount less any amount which may, since the date of such proclamation, have been received by the decree-holder.

(ii) If such deposit and application are made within 30 days from the date of sale, the Registrar shall pass an order setting aside the sale and shall repay to the purchaser the purchase money together with the 5 per cent deposited by the applicant:

Provided that, if more persons than one have made deposit and application under this sub-rule, the application of the first depositor to the officer authorised to set aside the sale, shall be accepted.

(iii) If a person applies under sub-rule (14) to set aside the sale of immovable property, he shall not be entitled to make an application under this sub-rule.

Application to set aside sale on ground of irregularity or fraud.

(15) (i) At any time within 30 days from the date of the sale of immovable property, the decree-holder or any person entitled to share in a rateable distribution of the assets or whose interests are affected by the sale, may apply to the Registrar of the Division to set aside the sale on the ground of a material irregularity or mistake or fraud in publishing or conducting it:

Provided that, no sale shall be set aside on the ground of irregularity or fraud unless the said Registrar is satisfied that the applicant has sustained substantial injury by reason of such irregularity, mistake or fraud.

(ii) If the application be allowed, the said Registrar shall set aside the sale and may direct a fresh one.

(iii) On the expiration of 30 days from the date of sale, if no application to have the sale set aside is made under sub-rule (13) or under clause (i) of this sub-rule or if such application has been made and rejected, the said Registrar shall make an order confirming the sale:

Provided that, if he shall have reason to think that the sale ought to be set aside, notwithstanding that no such application has been made or on grounds other than those alleged, in any application which has been made and rejected, he may, after recording his reasons in writing, set aside the sale.

(iv) Whenever the sale of any immovable property is not so confirmed or is set aside, the deposit or the purchase money, as the case may be, shall be returned to the purchaser.

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(v) After the confirmation of any such sale, the said Registrar shall grant a certificate of sale bearing his seal and signature to the purchaser.

Such certificates shall state the property sold and the name of the purchaser, and it shall be conclusive evidence of the fact of the purchase, in all courts and tribunals, where it may be necessary to prove it, and no proof of the seal or signature of the Registrar of the Division shall be necessary unless the authority before whom it is produced shall have reason to doubt its genuineness.

(vi) An order made under this sub-rule shall, subject only to the provisions of section 59 of the Act, be final; and shall not be liable to be questioned in any suit or other legal proceedings.

(vii) No application under Section 59 of the Act shall be presented to the Registrar or to the Government for modifying, annulling or reversing any order of the Registrar of the Division under this sub-rule after a period of one year from the date of such order.

Delivery of possession.

(16) Where any lawful purchaser of immovable property is resisted and prevented by any person other than a person not being the judgment-debtor claiming in good faith to be in possession of the property on his own account from obtaining possession of the immovable property purchased, any Court of competent jurisdiction, on application, and production of the certificate of sale provided for by sub-rule (14) shall cause the proper process to be issued for the purpose of putting such purchaser in possession, in the same manner as if the immovable property purchased had been decreed to the purchaser by a decision of the court.

Sale of immovable property to be proportionate to amount due.

(17) It shall be lawful for the sale officer to sell the whole or any portion of the immovable property of a judgment-debtor in discharge of money due, provided always that, so far as may be practicable, no larger section or portion of immovable property shall be sold than may be sufficient to discharge the amount due with interest, and expenses of attachment, if any, and sale.

Private alienation of property after attachment, to be void.

(18) Where an attachment has been made under these rules, any private transfer or delivery of the property attached or of any interest therein and any payment to the judgment-debtor of any debt, dividend or other moneys contrary to such attachment, shall be void as against all claims enforceable under the attachment.

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Explanation.—For the purpose of this sub-rule, claims enforceable under an attachment include claims for the rateable distribution of assets under sub-rule (24).

(19) Persons employed in serving notices or in other process under these rules shall be entitled to batta at such rates as may from time to time be fixed by the Registrar.

Process servers to be paid batta.

(20) Where the cost and charges incurred in connection with attachment and sale of movable property or the attachment and sale or sale without attachment of immovable property under this rule, exceeds the amount of the cost deposited by the decree-holder under sub-rule (1), such excess shall be deducted from the sale proceeds of the property sold or the moneys paid by the judgment-debtor as the case may be, and the balance shall be made available to the decree-holder.

Batta, interest and other charges recoverable from sale proceeds.

(21) Every person making a payment towards any money due for the recovery of which application has been made under this Rule, shall be entitled to a receipt for the amount, signed by the sale officer or other officer empowered by the Registrar of the Division in that behalf; such receipt shall state the name of the person making the payment and the subject matter in respect of which the payment is made.

Receipts for payment of amount due.

(22) (*a*) Where any claim is preferred to, or any objection is made to the attachment of, any property attached under this rule on the ground that such property is not liable to such attachment, the sale officer shall investigate the claim or objection and dispose it of on the merits:

Investigation of claims and objections to attachment of property.

Provided that no such investigation shall be made when the sale officer considers that the claim or objection is frivolous.

(*b*) Where the property to which the claim or objection relates has been advertised for sale, the sale officer may postpone the sale, pending the investigation of the claim or objection.

(*c*) Where a claim or an objection is preferred, the party against whom an order is made, may institute a suit within six months from the date of the order to establish the right which he claims to the property in dispute, but, subject to the result of such suit, if any, the order shall be conclusive.

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(23) (1) Any deficiency of price which may happen on a resale held under clause (i) of sub-rule (5) or clause (g) or clause (j) of sub-rule (11) by reason of the purchaser's default, and all expenses attending such resale shall be certified by the sale officer to the Registrar of the Division and shall, at the instance of either the decree-holder or the judgment-debtor, be recoverable from the defaulting purchaser under the provisions of this rule. The costs, if any, incidental to such recovery shall also be borne by the defaulting purchaser.

(2) Where the property may, on the second sale, sell for a higher price than at the first sale, the defaulting purchaser at the first sale, shall have no claim to the difference of increase.

Determination of attachment.

(24) Where any property has been attached in execution of a decree, but by reason of the decree-holder's default, the Registrar of the Division is unable to proceed further with the application for execution, he shall either dismiss the application or for any sufficient reason, adjourn the proceedings to a future date. Upon the dismissal of such application, the attachment shall cease.

Attachment in execution of decrees of several courts and rateable distribution of assets.

(25) (*a*) Where the sale officer attaches or has attached under these rules, any property, not in the custody of any court, which is already under attachment made in execution of a decree of any court, such court shall receive and realize such property and shall determine claims thereto and any objections to the attachment thereof.

Provided that where the property is under attachment in the execution of decrees of more courts than one, the court which shall receive or realize such property and shall determine any claim thereto and any objection to the attachment thereof, shall be the court of the highest grade, or where there is no difference in grade between such courts, the court under whose decree the property was first attached.

(*b*) where assets are held by the sale officer and before the receipt of such assets, demand notices in pursuance of applications for execution of decrees against the same defaulter have been received from more than one decree-holder and the decree-holders have not obtained satisfaction, the assets after deducting the costs of realization, shall be rateably distributed by the sale officer among all

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such decree-holders in the manner provided in section 73 of the Code of Civil Procedure, 1911.

30. The provision of Rule 29 shall apply in regard to the recovery of any sum due to Government as 'decree-holder', subject to the following modifications, namely:— Procedure for recovery of sums due to Government.

(1) The Registrar of the Division in which the cause of action arose may, of his own motion, take any steps which he may deem suitable in the matter of such recovery in accordance with the provisions of that rule, without any application having been made to him in that behalf under sub-rules (1) and (2) thereof.

(2) It shall not be necessary to deposit any sum by way of costs as required by sub-rule (1).

(3) It shall not be necessary for the sale officer to give the decree-holder previous notice, as required by clause (*a*) of sub-rule (5), of the intention to serve the demand notice on the judgment-debtor and, in default of payment, to distrain his property, nor shall the provision of that clause which empowers the sale officer to require the decree-holder to undertake the custody of the distrained property apply.

(4) It shall not be necessary to send a copy of the attachment notice to the decree-holder as required by clause (*d*) of sub-rule (11).

(5) It shall not be necessary to give notice of the proclamation of sale to the decree-holder as required by clause (e) of sub-rule (11).

(6) The Registrar shall himself obtain the encumbrance certificate required to be furnished by the decree-holder under clause (*f*) of sub-rule (11).

(7) The payments required to be made under sub-clause (*b*) of clause (i) of sub-rule (13) shall be made to the sale officer, on behalf of the decree-holder.

(8) The application referred to in clause (i) of sub-rule (14), shall be made by the sale officer on behalf of the decree-holder.

31. Every notice of process issued under the Act or under Rule 29 shall be in writing, shall be authenticated by the seal, if any, of the officer by whom it is issued, and Authentication of notice or process.

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shall be signed by such officer or by any person authorised by him, in writing, in that behalf.

Mode of making attachment before judgment.

32. (i) Attachment of property under section 50 or sub-section (4) of section 52 of the Act shall be made in the manner provided in Rule 29.

Investigation of claim to property attached before judgment.

(2) Where a claim is preferred to property attached under sub-rule (1), such claim shall be investigated in the manner and by the authority specified in Rule 29.

Removal of attachment when security furnished of suit dismissed.

(3) Where a direction is made for the attachment of any property under sub-rule (1), the Registrar of the Division shall order the attachment to be withdrawn:—

(*a*) When the party concerned furnished the security required together with security for the costs of the attachment; or

(*b*) When the liquidator determines under clause (*b*) of sub-section (2) of section 41 of the Act that no contribution is payable by the party concerned; or

(*c*) When the Registrar passes an order under sub section (1) of section 50 of the Act that the party concerned need not repay or restore any money or property or contribute any sum to the assets of the society by way of compensation, or

(*d*) When the dispute referred to in sub-section (1) of Section 52 of the Act has been decided against the party at whose instance the attachment was made

Attachment before judgment not to affect rights of strangers or bar decree-holder from applying for sale.

(4) Attachment made under sub-rule (1) shall not affect the rights existing prior to the attachment of persons not parties to the proceedings in connection with which the attachment was made, nor bar any person holding a decree against the person whose property is attached from applying for the sale of the property under attachment in execution of such decree.

Re-attachment not necessary if property is under attachment before Judgment.

(5) Where property is under attachment by virtue of the provisions of this rule and a decree is subsequently passed against the person whose property is attached, it shall not be necessary upon an application for execution of such decree to apply for re-attachment of the property

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33. Whenever any dispute or appeal instituted under the provisions of the Act is disposed of without contest, by agreement of parties, the Registrar or the Registrar of the Division or Government entertaining the dispute or the appeal shall, on the application of the petitioner (plaintiff) or appellant, grant a refund order to him authorising him to receive from the Treasury the amount of court fee paid on the dispute or the memorandum of appeal:

Provided that, the said application is made within six months of the date when the judgment or final order was passed.

34. When any two or more registered societies desire to amalgamate and form one society under Section 51, Clause (1) of the Act, the following procedure shall be observed:—

(i) The societies concerned shall convene a general meeting of their members and pass a resolution in favour of such amalgamation specifying the conditions under which the amalgamation is to be effected, the arrangements made for the proper exercise of the rights and the discharge of the liabilities of the societies amalgamating and the terms on which such of the members as are opposed to the amalgamation can withdraw from their membership if they so desire. The resolution must also specify the name of the amalgamated society and whether the amalgamation is with or without dissolution or division of funds of such societies or of any of them:

(ii) An application supported by a copy of the resolution referred to in sub-rule (i) above, shall next be made to the Registrar by each of the societies concerned for approval. The Registrar may, if he deems fit, approve of such resolution and register the amalgamation:

Provided—

(*a*) that the general meeting of each society has been held in accordance with all the formalities prescribed in the bye-laws or other rules of the society, the rules and the Act; and

(*b*) that the resolution is passed by such majority, if any, as may be prescribed by the Act, the rules

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thereunder or the bye-laws and other rules of the society.

35. Where a registered society desires to transfer all or some of its engagements to another registered society under Section 51, Clause (2) of the Act, the following procedure shall be observed :—

(i) The society desiring to transfer its engagements to another society shall pass a resolution in favour of such transfer at a general meeting of its members specifying the conditions under which its engagements are transferred, the arrangements made for the proper exercise of its rights and the discharge of its liabilities and the terms on which such of the members as are opposed to the transfer may withdraw from their membership, if they so desire. The resolution shall also specify the name of the society to which the engagements are transferred and whether the transfer is with or without dissolution or division of funds of the society, the engagements of which are transferred.

(ii) The society to which the engagements of another society are transferred shall pass a resolution at a general meeting of the members in favour of such transfer specifically accepting the terms of the transfer mentioned in sub-rule (i) above.

(iii) Where the trasfer of the engagements proposed by one registered society is accepted by another society in the manner stated in clause (i) and (ii) of this rule, an application by each of the societies which are parties to the transfer must next be made to the Registrar, supported by copies of the resolutions referred to in sub-rules (i) and (ii).

The Registrar may, if he deems fit, approve of the resolutions and register the transfer.

Provided—

(*a*) that the general meeting of each society has been held in accordance with all the formalities prescribed in the bye-laws or other rules of the society, the Act or the Rules thereunder; and

(*b*) that the resolution is passed by such majority, if any, as may be prescribed by the Act, the rules thereunder or the bye-laws and other rules of the society.

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36. The person authorised by the Registrar to hold an enquiry under Section 39(1) shall be an officer not below the rank of an Assistant Registrar of Co-operative Societies or such other person as the Registrar may appoint in writing to hold this enquiry.

37. Rules for the election of the members to the committees of management or of other offices of Co-operative Societies.—

(1) Soon after the close of the official year, the accounts of the society should be got audited, and the date of the annual general meeting fixed and intimated to all the members at least fifteen days before the date of the meeting.

(2) A list of members who are in default to the society in respect of their dues either on their own account or on behalf of others for a period of three months or more should be prepared and notices given to such defaulters at least fifteen days before the date fixed for the annual general meeting that they will not be eligible either to vote at the annual general election to the committee of management to any office in the society or to stand as candidates for the committee of management if they fail to pay up the amounts overdue at least seven days before the date of the annual general meeting.

Exception.—This provision shall not apply to such of the rural societies as may be exempted by the Registrar and also to such of the urban societies which are considered by him to be in need of such exemption on account of the backwardness of a majority of its members.

(2-A) As a rule all the members of the committee of management shall be deemed to have vacated their seats at the time of the annual general meeting but shall continue in office till relieved by their successors.

(3) Members desirous of standing as candidates to the committee of management, or to other offices should give their applications to the Secretary, or to the office of the society at least five days before the annual general meeting. In all cases of nominations, the consent of the concerned candidates should have been obtained in writing and sent to the society along with the nomination paper. If the consent of nominated candidates has not been taken before five days from the date of the general meeting

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their names shall not be included in the voting slips. A member may nominate as many persons as there are seats on the committee or other office, from among those who are not defaulters and give such nomination paper to the Secretary or to the office of the society at least five days before the annual general meeting. In all cases of nominations, the consent of the concerned candidates should have been obtained in writing and sent to the society along with the nomination paper. If the consent of nominated candidates has not been taken, their names shall not be included in the voting slips.

(4) The names of those who have duly applied or are nominated (if they are not otherwise ineligible) shall be noted in the voting slips, and a copy thereof shall be published on the notice board of the society three days before the date fixed for the annual general meeting.

(5) Three days before the date of the annual general meeting, a list of members eligible for voting should be prepared and kept in the society for inspection of members.

(*a*) In the preceding rules, wherever the words "at least" or "not less than" occur, the day of the act and the day of the event have both to be excluded in computing the period. Thus, if a meeting is fixed on the 28th of a month, the notice contemplated in sub-rule 1, should be sent at the latest on the 12th of the month.

(*b*) Where the words "..... days before" are mentioned, it is enough if either the day of the act or the day of the event is excluded. Thus, if the meeting is fixed on the 28th of a month, the publication of the voting slip contemplated in sub-rule 4 has to be done on the 25th at the latest.

(6) All the members that attend the annual general meeting should sign in the register kept for the purpose as they enter the place of the meeting.

(7) The general body should decide the time during which voting may take place. If the power of fixing the time of voting has been delegated to the committee by the general body, the committee may fix the same.

(8) Voters should appear in person and vote.

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(9) Identification slips may be issued to members entitled to vote. Members who hold identification tickets should produce them before the Polling Officer at the Polling Booth and obtain voting slips from him.

(10) The voting slip should bear the seal of the society or some other distinguishing mark.

(11) Canvassing or soliciting votes immediately prior to or during the conduct of elections shall be strictly prohibited within the polling booth where the polling is arranged to be held.

(12) Voting shall be by ballot, and voters should put a mark prescribed for this purpose against the names of candidates whom they wish to elect, fold the voting slip, and deposit it in the ballot box. The Polling Officers should help the illiterate members in marking against the names of the candidates in the voting slips.

(13) The general body should, before the commencement of election, appoint as many Polling Officers as may be necessary for the proper conduct of elections and Tellers to count the votes.

(14) After all the voters present have voted or after the time fixed for voting by the general body or by the committee is over, the Polling Officer should stop voting and deliver the ballot box to the Tellers.

(15) Tellers shall take into consideration only such voting slips as shall have been regularly filled up.

(16) Soon after the counting of votes is over, the result shall be announced either at the annual general meeting, if possible, or published on the notice board of the society under the signature of the Chairman of the meeting.

(17) The Chairman of the annual general meeting shall arrange to keep in safe custody in the society in a sealed box the voting slips and their counterfoils, the register containing the signatures of members that attended the meeting and the report of the Tellers. These may be burnt two months after the date of the annual general meeting.

(18) If any member wishes to file any dispute regarding the elections, he should do so, within thirty days from

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the date of announcement of the result of the election by presenting a petition before the Registrar.

38. (1) The management of the Mysore Provincial Co-operative Apex Bank, Ltd., shall vest in a Board of Directors consisting of twenty persons including the President.

(2) The President of the Board shall, until the expiration of three years from the constitution of the Board for the year 1950-51, be a person nominated by the State Government and shall thereafter be a member of the Bank elected by the general body every year at the annual general meeting of the Bank and approved by the State Government. The person nominated by the State Government shall hold office till his successor is appointed and he need not be a member of the Bank.

(3) Three members of the Board shall be nominated by the State Government. They shall hold office till their successors are appointed. They need not be members of the Bank.

(4) One Director representing the Provincial Co-operative Institutions in the State will be nominated by the State Government.

N.B.—A Provincial Co-operative Institution means a Co-operative Society of which Primary Co-operative Societies are also enrolled as members besides individuals and with an area of operation extending over the whole of the State.

(5) One Director shall be elected by the preference share holders from among themselves.

(6) One Director shall be elected by the representatives of affiliated Co-operative Societies situated within the Municipal limits of the City of Bangalore. One Director shall be elected from the representatives of affiliated Co-operative Societies situated within the Municipal limits of Mysore City.

(7) One Director shall be elected by the representatives of affiliated Urban Co-operative Societies situated in Bangalore, Tumkur and Kolar Districts excluding those situated within the Municipal limits of the City of Bangalore.

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(8) One Director shall be elected by the representatives of affiliated Urban Co-operative Societies situated in Mysore, Mandya and Hassan Districts excluding those situated within the Municipal limits of Mysore City.

(9) One Director shall be elected by the representatives of affiliated Urban Co-operative Societies situated in Shimoga, Chikmagalur and Chitaldrug Districts.

N.B.—The expression "Urban Co-operative Societies" in this rule shall mean all Co-operative Societies situated within the jurisdiction of the Town Municipalities including Minor Municipalities in the State and also the Sanitary Board of Kolar Gold Fields and the City Municipality of Davangere.

(10) The remaining nine Directors shall be elected by the representatives of affiliated Rural Co-operative Societies at the rate of one for each District from among themselves.

(11) The term of the office of the 15 elected Directors shall expire on the day of the Annual General Election following their election but they shall be eligible for re-election:

Provided, that no person shall hold office as Director for more than two terms consecutively.

(12) (i) Any vacancy occurring in the office of the elected President or any elected Director by death, resignation or any other cause, shall be filled up for the unexpired term of the Board in such a way that the number of representatives of each class of members shall be in conformity with preceding sub-rules, the election of the President being subject to the approval of the State Government.

(ii) Any vacancy occurring in the office of the nominated President or any nominated Director by death, resignation or any other cause shall be filled up by the State Government by nomination.

(13) The Chief Executive Officer of the Bank shall be the Secretary. He shall be a whole-time salaried Officer who shall be appointed by the Board out of the panel of names to be sent by the Registrar and subject to approval of the State Government. He shall not be a member of the Board. He shall be responsible for the administration of the Bank subject to the control of the President.

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(14) The Bank shall have a duly qualified Auditor possessing a certificate of audit under the Mysore Auditors' Certificate Rules or a Chartered Accountant's qualification for the purpose of continuous internal audit and his appointment shall be subject to the approval of the Registrar.

39. In the case of any Urban Co-operative Society other than a Stores Society, the membership of which has, in the opinion of the Registrar, become unwieldy, the Registrar may, after hearing the objections, if any, of the society concerned, direct that further admissions be stopped or fix the maximum strength of membership for the said society. From an order passed by the Registrar under this rule, an appeal shall lie to Government within two months from the date of the communication of the order to the society concerned.

40. No society may take any action which would involve the society in the discussion or propagation of controversial opinions of a religious or political character and the Registrar may prohibit any action or rescind any resolution which in his opinion is of such a tendency.

41. In calculating the profits of a society for the year, for the purpose of declaring a dividend or bonus, all interest accrued due, but not actually realised shall be deducted from the gross profits of the year, before the net profits are arrived at. All accrued interest that has been so deducted from the profits of the year and that is actually recovered during the subsequent year, may be added to the profits of the subsequent year. The Registrar may in special cases and after due enquiry, permit or authorise a society to treat interest accrued due for a period not exceeding one year as profits; but if the amount so permitted to be treated as profits is not actually recovered during the subsequent year, it shall be deducted from the profits of such subsequent year before the net profits of that year are arrived at.

42. (i) A registered society may invest its funds in any bonds or loans issued by the Government of Mysore and secured upon its revenues or in any debentures issued under its authority and guaranteed by it or in securities in which a trustee may invest trust funds under any law for the time being in force in Mysore.

(ii) With the previous approval of the general body and sanction of the Registrar, a registered society may invest its funds in the purchase or leasing of land or in the construction or acquisition of buildings as may be necessary or desirable for the conduct of the society's business.

43. Any officer or member of the committee of a society who appears as a legal practitioner (1) against such society, or (2) otherwise than in an honorary capacity on behalf of such society, shall be deemed to have vacated his office or ceased to be on the committee of such society.

44. (1) No person shall be eligible for admission as member of a society if he— Restriction on admission of persons as members.

(*a*) is a paid employee of the society, or

(*b*) is of unsound mind, or

(*c*) is an applicant to be adjudicated a bankrupt or an insolvent or is an uncertified bankrupt or an undischarged insolvent, or

(*d*) has been sentenced for any offence other than an offence of a political character or an offence not involving moral delinquency, such sentence not having been reversed or the offence pardoned.

(2) Any member of a society shall cease to be a member of the society if he—

(*a*) becomes a paid employee of the society, or

(*b*) becomes of unsound mind, or

(*c*) applies to be adjudicated or is adjudicated a bankrupt or an insolvent,

(*d*) is sentenced for any such offence as is described in clause (*d*) of sub-rule (1).

45. No person shall be eligible for election or appointment as a member of the committee of a society if he is a near relation of a paid employee of the society and a member of the committee of any society shall cease to hold his office as such if he becomes a near relation of a paid employee of the society: provided that if any question arises whether a person is or is not a near relation of a Disqualification of near relations of paid employees of societies for membership of committee.

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paid employee of the society, the question shall be referred to the Registrar for decision.

Loans from State Funds.

46. (1) Loans from State Funds not exceeding Rs. 2,000 ordinarily may be made to any co-operative society.

(2) The amount advanced to any society shall not exceed five times the paid-up share capital of the society at the time of the issue of the loan and twice the paid-up share capital two years thereafter.

(2-A) In the case of Depressed Class Societies, the amount advanced to the society shall not exceed ten times the paid-up share capital or Rs. 1,000 whichever is more, at the time of the issue of the loan.

(3) All advances to a society may be free of interest for the first two years and will afterwards, subject to the sub-rule (14) below, bear interest at rates to be prescribed by Government from time to time.

Instalments for repayment.

(4) The advances shall be repayable in not more than three annual instalments commencing after the lapse of two years after the grant of the advance. But the Registrar may, at his discretion, prescribe a shorter period for repayment according to the circumstances of each case.

Application for an advance.

(5) A society requiring an advance shall submit to the Registrar an application in the form contained in Schedule B annexed to these rules.

Power to sanction advances and prescribe instalments for repayment.

(6) The Registrar, after satisfying himself as to the correctness of the statement made in the application, may sanction the payment of the advance from any treasury or sub-treasury and may prescribe the number of instalments of repayment and the dates on which each instalment is to be repaid:

Provided that, without the special sanction of the Government no advance sanctioned by the Registrar shall exceed Rs. 1,000.

Order sanctioning advance.

(7) If the Registrar sanctions an advance, his sanction shall be conveyed in an order in the form contained in Schedule C annexed to these rules.

(8) The Registrar shall send the original order to the society and a duplicate copy to the Comptroller for information.

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(9) Payment of any advance sanctioned shall be made to the persons authorised to receive the advance on behalf of the society on their producing the Registrar's order at the treasury named therein and executing an agreement in duplicate in the form contained in Schedule D annexed to these rules.

Payment of advance.

(10) When payment of an advance has been made, the original agreement shall be sent to the District Treasury for safe custody and the copy forwarded to the Registrar.

(11) The Registrar may, if sufficient cause is shown and if all interest due has been paid, suspend the repayment of any instalment.

Power to suspend repayment of instalments.

(12) Whenever the Registrar makes an order of suspension, he shall forthwith send a copy thereof to the Deputy Commissioner of the District and to the Comptroller.

(13) When an order of suspension is made in respect of any instalment, the repayment of that instalment and of all subsequent instalments shall be postponed for one instalment period.

(14) If any instalment due from any society is not fully repaid on the due date, interest at 6 per cent per annum to the date of repayment shall be recoverable on the amount overdue, unless the Registrar by special order exempts the society from this liability. Such orders are to be formally reported for the approval of the Government.

Procedure where instalment not repaid on due date.

(15) The Deputy Commissioner to whom instalments are repayable shall give prompt notice to the Registrar of default in repayment of any instalment.

(16) If, at the end of two years after the loan is issued, the society has not raised a paid-up share capital of half the amount of the loan, so much of the loan as exceeds twice the paid-up share capital of the society shall be repaid to the Government immediately thereafter, irrespective of other conditions.

47. Every Credit, Consumers' or Marketing Society with limited liability and a working capital of not less than rupees one lakh and every Land Mortgage Society, which has loans outstanding from its members to the extent of

Appointment of Secretary.

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not less than rupees two lakhs shall appoint a paid Secretary. Such appointment shall be subject to the approval of the Registrar:

Provided that a mortgage society or any other society which has a paid Secretary shall not dispense with his services except with the sanction of the Registrar.

Term of office of member of committee who is a representative of another society.

48. A representative of one society sitting on the committee of another society shall cease to be a member of such committee—

(*a*) if he ceases to be a member of the society which elected him as its representative; or

(*b*) if the society which elected him as its representative withdraws him or elects another representative in his stead; or

(*c*) in case he was elected as a representative by a society, on the supersession of the committee of such society under Section 44 of the Act, provided that, the person or persons appointed under the said section shall have power to nominate himself or one among them or any member of the society, to the committee of another society; or

(*d*) if the registration of the society of which he is the representative is cancelled.

49. Sales in consumers' societies and consumer sections of other societies shall ordinarily be for cash and credit sales may be permitted by the Registrar of Co-operative Societies in special circumstances up to 75 per cent of the share capital paid-up by the members.

50. Service conditions of employees of co-operative societies:—

(1) *Appointment.*—Subject to the budget allotment sanctioned by the general body, the managing committee shall prescribe from time to time the strength of the establishment of the society and the scale of pay admissible to each member thereof.

(2) The members of the establishment shall be appointed by the managing committee.

(3) *Qualifications.*—No person shall be eligible for appointment to the posts mentioned below unless

he possesses the qualification specified against them:—

A. Secretary, Assistant Secretary or Manager.—

(*a*) Degree of B.A. or B.Com. or B.Sc., L.Com. and D.Com., or degree of any recognised University in the case of societies having a working capital of rupees one lakh or more and S.S.L.C. (completed or eligible for admission to University or Government service) in others; and

(*b*) a pass in the Government Technical Examinations in Book-keeping, Banking, Co-operation and Auditing or the examination in these subjects held by the Mysore Co-operative Institute, provided that a person who has taken the B.Com. degree shall be exempted from passing these examinations.

B. Accountants, Clerks, Ledger-keepers, Sales Clerks and Shroffs.—(*a*) S.S.L.C. (completed or eligible for College Course or Public Service), and

(*b*) a pass in the examinations in Book-keeping, Banking, Co-operation and Auditing held by the Government or the Mysore Co-operative Institute.

N.B.—No person who has been permanently employed before these rules come into force shall be required to acquire the qualifications pertaining to his post.

(4) No appointment by direct recruitment shall be made except by calling for applications from eligible candidates by notifying the same: provided that, this restriction shall not apply to the appointment of an officer whose services have been lent by the Government.

(5) *Age limit for entry into service.*—No person who has attained the age of 30 years shall be appointed to the service of the society: provided that, this restriction shall not apply to a person who is already employed in another co-operative society and had joined service therein before he attained the age of 30 years.

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(6) *Age of retirement.*—No employee shall ordinarily be continued in the service of the society if he has attained 60 years of age.

(7) *Period of probation.*—A person appointed to any post in the societies service shall be on probation for a period of one year, on the completion of which period, he shall be confirmed in the post, if his work and conduct have been satisfactory. The managing committee may terminate the services of an employee during the period of probation, if his work and conduct are not satisfactory.

(8) *Leave.*—Every employee of the society shall be eligible for ten days casual leave in a year and one month's privilege leave for every eleven months of duty : provided that not more than two months' such leave shall accrue to a person at any time and provided further no employee shall claim leave as a matter of right at any time.

(9) The Secretary shall be the authority competent to sanction casual leave to the other employees of the society ; and the President shall be the authority competent to sanction casual leave to the Secretary and privilege leave to all the employees including the Secretary.

(10) *Provident Fund.*—Every employee of the society who has been confirmed in his post shall be required to contribute to the Employees' Provident Fund of the society in accordance with the rules framed by the managing committee for the purpose.

(11) *Gratuity.*—When an employee who has put in at least ten years satisfactory service is retired from service, or if he dies while in service, the managing committee, may, with the approval of the general body, grant to him or to his heirs, as the case may be, a gratuity not exceeding one month's pay for every year of service.

(12) *Service Register.*—The society shall maintain a record of the services of every employee as also the leave availed of by him from time to time. All changes affecting the rank, emoluments, transfers from one branch to another and other allied matters, shall be recorded in this register

and attested by the President of the society in the case of the Secretary and by the Secretary in the case of the other employees.

(13) *Use of official Informations.*—No employee shall, except when generally or specially empowered or permitted by the managing committee, communicate directly or indirectly to any other person or institution or to the Press, any document or information, which has come into his possession in the course of his official duties, or has been prepared and collected by him in the course of such duties, whether from official sources or otherwise.

(14) *Pecuniary Relation.*—No employee shall have pecuniary transactions with individuals or institutions coming in contact with him in the course of his official duties or accept directly or indirectly either on his own behalf or on behalf of any other person any gift, gratuity or reward from any person with whom he may have to deal in his official capacity: provided that this rule shall not apply to the borrowings by an employee on the security of his deposits, savings, insurance policy, etc., from other institutions.

(15) *Employee and Elections.*—No employee of the society shall canvass or otherwise use his influence in any election of the members to the managing committee or other offices of the society.

(16) *Punishments.*—Any employee who contravenes the provisions of rules 13, 14 and 15 shall be liable for such punishment as the managing committee may determine.

(17) Any member of the establishment may for good and sufficient cause be punished. The Managing Committee shall be the authority competent to censure, fine, suspend, reduce, dismiss or withhold the increment of any employee of the society: provided that the Secretary shall be competent to censure or to impose a fine not exceeding Rs. 10 upon the other employees of the society.

(18) No kind of punishment except censure or fine not exceeding Rs. 10 shall be awarded to any employee unless he has been informed in writing of the

grounds on which it is proposed to take action against him and he has been afforded a reasonable opportunity to defend himself.

(10) An appeal shall lie to the general body of the society by any member of the staff who has been fined in excess of Rs. 10.

51. Procedure to be followed by Registrar when directing amendment of bye-laws under Section 14 of the Act.—

(1) Where, in the opinion of the Registrar, an amendment of the bye-laws of a co-operative society is necessary or desirable, he may record his reasons therefor and communicate the same to the society with a copy of the bye-laws as it will stand after amendment and ask the society to summon a general body meeting to pass the amendment within such time, which shall not be less than a month, as he may direct.

(2) If the general body does not accept the suggestion of the Registrar regarding the amendment and if the Registrar is still of opinion that the amendment is necessary, he may proceed in the matter in the manner laid down in sub-section (2) of Section 14 of the Act.

(3) Where no appeal is presented within two months from the date of making the order under sub-section (2) of Section 14 of the Act, the amendment shall take effect on the expiry of that period.

(4) Where an appeal is presented within the said period of two months, the amendment shall not take effect until it is confirmed by Government.

52. The statement of accounts of the society to be proposed by the committee under Section 20 (g) of the Act shall be in the following form:—

I. Statement of Receipts and Payments.

Receipts.	*Payments.*
1 (*a*) Admission and share fees.	1 Share capital refunded.
(*b*) Share capital.	2 Deposits repaid :
2 Deposits :	Fixed,
Fixed,	Current,
Current,	Drawing,
Drawing,	Savings Bank,
Savings Bank,	Provident Fund, etc.
Provident Fund, etc.	

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Receipts.	*Payments.*
3 Loans from Financing Bank or Government.	3 Loans repaid to Financing Bank or Government.
4 Loans recovered from members	4 Interest paid on deposits.
5 Investment realised.	5 Interest paid to Financing Bank or Government.
6 Interest recovered on loans.	6 Loans issued to members.
7 Interest on investments.	7 Investments in Banks, etc.
8 Sale proceeds of stock-in-trade.	8 Cash purchase of stock-in-trade.
9 Other items (with details).	9 Credit purchase of stock paid.
10 Opening balance on hand.	10 Other items (with details).
	11 Closing balance on hand.
Total ...	Total ...

II. Trading and Profit and Loss Account.

1 Opening stock.	1 By sales (less returns inwards).
2 Purchases (less returns outwards).	2 Closing stock.
3 Trade charges— Cart-hire. Cooly, freight, etc.	
4 Gross profit from trade.	
Total ...	Total ...

1 Establishment charges.	1 By gross profit from trade.
2 Travelling allowance.	2 Interest on loans and investments (less refunds).
3 Other charges: Printing, Stationery, Contingencies.	3 Miscellaneous receipts (with details.)
4 Depreciation on buildings, furniture and fittings, and machinery, etc.	
5 Other items.	
6 Net profits.	
Total ...	Total ...

III. Balance Sheet as on 30th June.

Liabilities.	*Assets.*
Authorised share capital.	1 Cash and investments (with details).
Subscribed share capital.	2 Property: Furniture and fittings, machinery, etc., at cost less depreciation to date.
1 Paid-up share capital.	3 Loans:
2 Reserve fund (statutory).	(a) Considered good.
3 Other funds.	(b) Considered bad and doubtful.
4 Deposits: Fixed, Current, Drawing, Savings Bank, Provident Fund, etc.	(c) Covered under suits and decrees. (Directors' loans Rs. .....) Overdues loans Rs. .....
5 Loans from Financing Bank or Government.	4 Advances.
6 Interest due.	5 Stock-in-trade (valued at cost price or market price whichever is less).
7 Management expenses due.	6 Other items (with details).
8 Other liabilities (with details).	
9 Net profits.	
Total ...	Total ...

Signature of Accountant. Signature of President. Signature of Secretary

53. (1) The Management of the Mysore Central Co-operative Land Mortgage Bank, Ltd., shall vest in a Board of Directors consisting of the President and nineteen other members.

(2) (*a*) The President and one member of the Board shall be nominated by Government and they shall hold office till their successors are appointed. They need not be members of the Bank.

(*b*) Two members of the Board shall be representatives of debenture holders. These also need not be members of the Bank and shall be selected in the manner prescribed by the Government.

(*c*) Nine members of the Board shall be persons selected by representatives of affiliated Land Mortgage Societies attending the general meeting so as to ensure that Land Mortgage Societies in

each of the nine Districts in the State shall be represented by one member of the Board.

(*d*) Six members of the Board shall be elected representatives of individual members; of these, four shall be persons residing in Bangalore City.

(*e*) The remaining one member shall be the representative of the ordinary co-operative societies which are members of the Bank.

(3) The members referred to in Rules 2 (*c*), (*d*) and (*e*) shall be elected annually by the respective groups of electors at the annual general meeting of the Bank:

Provided that no representative of Land Mortgage Society attending the general meeting shall be entitled to vote for more than one candidate from among the representatives of Land Mortgage Societies in any particular district.

(4) The election to the Board of Directors shall be conducted in accordance with Rule 37 of the Rules framed under the Mysore Co-operative Societies Act.

(5) Members of the Board of Directors other than the President and the members nominated under Rules 2 (*a*) and (*b*) shall hold office until their successors are appointed.

(6) If an affiliated Land Mortgage Society has served on the Board for one term, it shall not be eligible for election to the directorate during the next two succeeding years.

(7) Any casual vacancy occurring in the Board of Directors, except in the case of directors nominated by the Government, by death, resignation or any other cause shall be filled up for the unexpired term of the Board by appointment by the remaining members of the Board. Such appointment shall be made so as to ensure that the number of representatives, respectively, of the affiliated Land Mortgage Societies, of individuals and of the ordinary Co-operative Societies shall be in conformity with clause (2) above.

(8) The Chief Executive Officer of the Bank shall be the Secretary. He shall be responsible for the administration of the Bank, subject to the control of the President.

He shall be a whole-time salaried officer and shall be appointed by the Board of Directors with the approval of Government. He shall not be a member of the Board.

(9) The Bank shall have a qualified Auditor on its staff for purpose of continuous internal audit and his appointment shall be subject to the approval of the Registrar.

Trustee.

54. (1) When any part of the capital of the Bank consists of loans raised by debentures issued by the Bank, there shall be a Trustee appointed by Government whose duty it shall be to see that the Bank fulfils its obligations to the debenture-holders.

(2) The Trustee may call upon the Bank to transfer to his name its rights in the mortgages on the security on which debentures are issued.

(3) The Trustee may also require the Bank to credit an account to be opened in his name in any other Bank, approved by him, all recoveries made from members of the Bank under the terms of their mortgages, whether through equated payments or on redemption or upon sale.

(4) The Trustee shall also have the following powers :—

(i) to invest or to require the Bank to invest the money at the credit of his account in his own name in any investment or deposit authorised by any law in force relating to the investment of trust funds and to vary such investments at his discretion ;

(ii) to require the Bank to redeem any or all of the debentures according to the bye-laws relating to redemption ;

(iii) to determine the method of redeeming any debentures before the expiry of the term for which they were issued ; and

(iv) to proceed against the Bank or the mortgagors whose mortgage deeds have been transferred to him or against both, in case of default of payment of moneys to the debenture-holders.

(5) The Trustee may, at any time, be replaced by another Trustee. A Trustee, so appointed shall have the same powers, authorities and discretions and shall, in all respects, act as if he had been originally appointed.

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55. (1) A Primary Land Mortgage Society may be constituted for a village or a group of villages.

Constitution and working of primary Land Mortgage Societies and the mutual rights and obligations of such societies and the Central Co-operative Land Mortgage Bank.

(2) The liability of the members of a Land Mortgage Society so registered shall be limited.

(3) Every Land Mortgage Society shall become a member of the Central Co-operative Land Mortgage Bank and be bound by the bye-laws of the Bank. It shall then be termed an "affiliated society".

(4) Subject to the bye-laws of the Central Co-operative Land Mortgage Bank, loans shall be sanctioned to an affiliated society on such society furnishing a list of its members who have applied for loans together with the records of investigation relating to the object for which the loans are required, the sufficiency of the security offered and other material particulars necessary for arriving at a decision and also on condition of its transferring to the Bank the mortgage deeds obtained by it from the borrowers:

Provided that it shall be open to the Bank to require such additional enquiry or information as may be necessary or to cause any supplementary investigation to be conducted.

(5) The rates of interests for long-term and short-term loans charged on loans granted through an affiliated society to its members shall be subject to the approval of the Registrar of Co-operative Societies and shall, in no case, exceed eight per cent per annum for long-term loans and nine per cent per annum for short-term loans.

(6) An affiliated society shall undertake to collect periodically all dues from its debtors towards principal and interest and remit it to the Bank.

(7) The working of an affiliated society shall be subject to supervision and periodical inspection by the Bank, which shall also have a right to have the accounts of the society audited once at least every year.

(8) Every affiliated society shall be bound—

(*a*) to administer its work in strict conformity with its bye-laws;

(*b*) to carry out carefully the rules drawn up for its guidance by the Bank and to submit to the Bank such statements of accounts and reports as may be required by the Bank; and

(c) to take the sanction of the Bank before raising funds from any source other than the Bank.

56. Rules for the distraint, preservation and sale of standing crops on property mortgaged to co-operative societies.

(1) On receipt of an application from the Committee of a Bank under Section 89 of the Mysore Co-operative Societies Act, for the recovery of any instalment or part thereof under a mortgage executed in favour of the Bank by distraint and sale of the produce of the mortgaged land including the standing crops thereon, the Registrar may, after satisfying himself that the instalment or any part of such instalment has remained unpaid for more than one month from the date on which it fell due, and that the application has been made within twelve months from the date on which the instalment fell due, pass an order for the distraint of a sufficient part of the produce of the mortgaged land including the standing crops thereon.

(2) On passing such an order, the Registrar shall send a requisition to the Deputy Commissioner of the District in which such land is situate to effect the distraint together with a copy of his order.

(3) On receipt of such a requisition from the Registrar, it shall be lawful for the Deputy Commissioner—

(a) to require that the crop growing on the mortgaged land shall not be reaped until a notice in writing has first been given to himself or to some other officer to be named by him in this behalf and such notice has been returned endorsed with an acknowledgment of its receipt;

(b) to direct that no such crops shall be removed from the land on which it has been reaped or from any place in which it may have been deposited without the written permission of himself or of some other officer as aforesaid;

(c) to arrange for the crops being reaped and deposited, when it is not done in time by any holder of the land and delay is likely to result in damage to the produce and to realise the cost of labour thereby incurred from the sale proceeds of the crop;

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(*d*) to cause watchmen to be placed over any such crop to prevent the unlawful reaping or removal of the same and to realise the amount required for the remuneration of the said watchmen.

(4) The Deputy Commissioner's orders under either Clause (*a*) or (*b*) of the above rule shall be made known by service of a notice thereof on the holder or holders of the mortgaged land, by public or proclamation, by beat of drum in the village and by affixing a copy of the order in the chavadi or some other public building in the village in which the mortgaged land is situated.

(5) Any person who shall disobey any such order after the same has been so proclaimed or a notice thereof has been served upon him or who shall within the meaning of the Indian Penal Code abet the disobedience of any such order shall, on conviction after summary enquiry by the Deputy Commissioner, be liable to pay a fine not exceeding double the amount for which it had been attached.

(6) If, within two months after the crop has been deposited, the amount due together with costs has not been paid, the Deputy Commissioner shall proceed to realise it by sale of such portion of the crop as is necessary, provided that the limit of two months shall not apply to articles of a perishable nature, which shall be sold immediately.

(7) When the sale of the distrained produce is ordered, the Deputy Commissioner shall issue a proclamation in Kannada of the intended sale, specifying the amount due, the time and place of sale and whether the sale is subject to confirmation or not. Such proclamation shall be made by beat of tom tom in the village in which the property is seized.

(8) A written notice of the intended sale shall be affixed in the Amildar's or the Deputy Amildar's Office and in the chavadi or other public building in the village in which the produce was seized.

(9) Sales shall be made by auction by such persons as Deputy Commissioner may direct. No such sale shall take place on a general holiday recognised by Government or until the expiration of at least seven days from the latest date on which the notice shall have been affixed as required by the last preceding rule.

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(10) The sale may from time to time be postponed for any sufficient reason.

(11) If the defaulter or any person, on his behalf, pays the instalment due together with such other charges legally due by him before the property is knocked down, to the officer appointed to conduct the sale or if he furnishes adequate security, the sale shall be stayed.

(12) Sale of perishable articles shall be finally concluded by the officer conducting such sales. All other sales finally concluded by the officer conducting the sales shall be subject to confirmation of such officer, as may be directed in the orders to be made by the Deputy Commissioner.

(13) When the sale of any movable property is finally concluded by the officer conducting the same, the price of every lot shall be paid for at the time of sale or as soon after as the said officer shall direct and in default of such payment, the property shall forthwith be again put up and sold. On payment of the purchase money, the officer holding the sale shall grant a receipt for the same and the sale shall become absolute as against all persons whomsoever.

(14) When the sale of any movable property is subject to confirmation, the party who is declared to be the purchaser shall be required to deposit immediately 25 per cent of the amount of his bid and in default of such deposit, the property shall forthwith be again put up and sold. The full amount of the purchase money shall be paid by the purchaser before sunset of the day after he is informed of the sale having been confirmed or if the said day be an authorised holiday, then before sunset of the first office day after such day. On payment of such full amount of the purchase money, the purchaser shall be granted a receipt for the same and the sale shall become absolute against all persons whomsoever.

(15) In default of payment, within the prescribed period, of the full amount of purchase money, the deposit after defraying thereout the expenses of the sale shall, at the discretion of the Deputy Commissioner, be liable to be forfeited to Government either wholly or in part and the property shall be resold and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

(16) If the proceeds of the resale, which is held by reason of the purchaser's default, be less than the price bid by such defaulting purchaser the difference shall be recoverable from him by the Deputy Commissioner as an arrear of land revenue.

(17) Every resale of property in default of payment of the purchase money or after the postponement of the first sale, shall, except when such resale takes place forthwith, be made after the issue of a fresh notice in the manner prescribed for original sales.

(18) Where the sale of any property is not confirmed or is set aside, the purchaser shall be entitled to receive back his deposit or his purchase money as the case may be.

(19) When any sale becomes absolute, the proceeds shall be credited to the Taluk Treasury to the account of the creditor Bank and the fact intimated to it or the amount due shall be remitted by a Remittance Transfer Receipt after defraying the expenses of watch and sale.

(20) If any claim be set by a third person to movable property attached under these provisions, the Deputy Commissioner shall admit or reject his claim on a summary inquiry held after reasonable notice. If the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds disposable as aforesaid.

57. Every summons issued under section 81 of the Act shall be in writing and shall be authenticated by the signature and the seal, if any, of the officer or person by whom it was issued.

(1) It shall require the person summoned to appear before the said officer or person at a stated time and place and shall specify whether his attendance is required for the purpose of giving evidence, or to produce a document, or for both purposes; and any particular document the production of which is required shall be described in the summons with reasonable accuracy.

(2) Any person summoned merely to produce a document shall be deemed to have complied with the summons, if he causes such document to be produced instead of attending personally to produce the same.

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(3) Where the person whose attendance is required is a public officer, or is the servant of a railway company or local authority, the officer or person issuing summons may, if it appears to him, that the summons may be most conveniently so served, send it by registered post prepaid for acknowledgment, for service on the person whose attendance is required, to the head of the office in which he is employed together with a copy to be retained by that person.

(4) When the person whose evidence is required is unable, from sickness or infirmity, to attend before the officer or person issuing the summons, or is a person who by reason of rank or sex it may not be proper to summon, the officer or person issuing the summons may, of his own motion or on the application of the person whose evidence is required, dispense with his appearance, and examine him at his place of abode or business or cause him to be so examined, by a person specially deputed by him for the purpose.

(5) No copy of a document or of an entry therein taken under sub-section (3) of section 29-A of the Act shall be admissible in evidence unless it contains a certificate in the following form :—

I certify that the above is a true copy of the/true copy of an entry or/entries in the and that I have compared the above copy with the orginal entry or entries in the/and found it/them to be correct."

Signature of the officer or person empowered under sub-section (1) of section 29-A of the Mysore Co-operative Societies Act.

(6) A party who desires the attendance of a person either to give evidence or produce a document shall deposit with the officer or person issuing the summons in cash—

(i) process fees in accordance with the scale fixed by the Registrar of Co-operative Societies, and

(ii) allowances payable to the person whose attendance is desired for appearing before the officer or person issuing the summons, in accordance with the scale fixed by the Registrar of Co-operative Societies.

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If the party required to make such deposit fails to do so within 15 days from the date of the order requiring him to make the deposit, the officer or person empowered to issue the summons may drop further action.

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

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R.C.S. 53]

SCHEDULE A

Form of Application for Registration of Co-operative Societies.

1. Name of the Society.

2. Address to be registered.

3. State whether liability of members is limited or unlimited.

4. Application to register a Society under the above name is made by the persons* whose names are subscribed hereunder.

5. The matters required by Rules 6 and 13 to be set forth in the bye-laws are provided for in the following manner, *viz.*—

Reference	Serial numbers of bye-laws in which corresponding provision is made
Rule 6 (1) clause (*a*) ...	
,, ,, (*b*) ...	
,, ,, (*c*) ...	
,, ,, (*d*) ...	
,, ,, (*e*) ...	
,, ,, (*f*) ...	
,, ,, (*g*) ...	
,, ,, (*h*) ...	
,, ,, (*i*) ...	
Rule 13	

*Ten or more.

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6. With this application are sent two copies of the proposed bye-laws signed by each of the applicants, and a statement (see Appendix I) showing name, age, profession and place of residence of each subscriber.

Signatures (1)

(2)

(3)

(4)

(5)

(6)

(7)

(8)

(9)

(10)

(11)

(12)

(13)

(14)

(15)

Dated.....19

To

The Registrar of Co-operative Societies,
Bangalore.

APPENDIX I.

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Statement showing the particulars referred to in Paragraph 6 of Schedule A.

Name and father's name	Age	Tribe, class or caste	Profession	Place of residence (village, taluk and district)
(1) ...				
(2) ...				
(3) ...				
(4) ...				
(5) ...				
(6) ...				
(7) ...				
(8) ...				
(9) ...				
(10) ...				
(11) ...				
(12) ...				
(13) ...				
(14) ...				
(15) ...				

SCHEDULE B.

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Application for Advance from the Government.

1. We, the undersigned, being duly empowered in this behalf by the committee of*..... Co-operative Society, Ltd., Unlimited, apply for an advance of Rs.....(in words)....., from the Government, to be paid at the.....Treasury.

2. The amount of capital raised as shares, or as deposits received from members, is Rs (in words)..... .....

3. We request that the advance may be made repayable at the District Treasury..... .....in..... ..annual instalments, the date of payment in each year being.....

4. Particulars of the indebtedness of the society are as follows:

(a) Due to members on account of deposits .....rupees.

(b) The amount borrowed from other sources, and the interest payable on each amount borrowed are as under—

Amount borrowed,	From whom	Rate of interest.	Condition as to re-payment.

5. We attach hereto a copy of the resolution of the General Body authorizing the taking of an advance from the Government and specifying the members of the committee who may, in conjunction with the secretary, receive the amount and enter into an agreement with the Government for its re-payment.

Signature of Secretary.....

Dated..... *Signature of three members.* 1.....

2.....

3.....

*If the bye-laws of the society do not empower the Committee to borrow money on behalf of the society these words should be deleted.

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SCHEDULE C.

Order sanctioning an advance by the Government.

Registrar's No. .....

1. Sanction is accorded to the payment of an advance of Rs. ..... (in words) from the ..... Treasury to the undermentioned society subject to the following condition as to payment :—

Name of society .....

Registered address.....

Number of annual instalments of repayment..... .....

Date on which each instalment is to be recovered.....

2. The date on which the society was registered in the..... .....and the advance is free of interest for two years from the date of drawing the loan from the Treasury and carries interest at.. ..... per cent per annum thereafter.

3. The budget allotment for such advances in the year 195 is Rs. ..... The aggregate amount of advances hitherto sanctioned during the year is Rs. .....

4. The persons recognized as authorised by the Society to enter into an agreement for repayment of the advance are the Secretary and any three of the members of Committee named below :—

Name of Secretary..... .....

Names of members
(1)..... ..
(2)..... .....
(3)..... .....
(4)..... .....

Registrar of Co-operative Societies.

NOTIFICATIONS.

No. T. 409—R. T. 8-52-2, dated Bangalore, 1st May 1952.

In exercise of the powers conferred by Rule 59 of the Mysore Motor Vehicles and Road Traffic Rules, 1945, His Highness the Maharaja is pleased to exempt the following motor vehicle belonging to Mr. Dick V. Fagan, care of the Director of Agriculture in Mysore, Bangalore, from payment of registration fee payable in Mysore State under the said Rules:—

Description of the vehicle.

Class of Vehicle	Car
Type of Vehicle	Sport Sedan
Maker's Name	Lincoln
Engine Number	9EH—34937

By Order of His Highness the Maharaja,

No. T. 423—R. T. 8-52-3, dated Bangalore, 1st May 1952.

In exercise of the powers conferred by Sections 8 and 17 of the Mysore Motor Vehicles Taxation and Tolls Act, 1951 (Act XII of 1951), His Highness the Maharaja is pleased to exempt the following vehicle of Mr. Dick V. Fagan, care of the Director of Agriculture in Mysore, Bangalore, from payment of taxes and tolls leviable in Mysore State under the said Act:—

Description of the Vehicle.

Class of Vehicle	Car
Type of Vehicle	Sport Sedan
Maker's Name	Lincoln
Engine Numbers	9EH—34937

By Order of His Highness the Maharaja,

No. T. 437—R. T. 8-52-4, dated Bangalore, 1st May 1952.

In exercise of the powers conferred by Rule 59 of the Mysore Motor Vehicles and Road Traffic Rules, 1945, His Highness the Maharaja is pleased to exempt the following two motor vehicles belonging to the American Embassy,

New Delhi, from payment of registration fee payable in Mysore State under the said Rules:—

Description of the vehicles.

I	Class of Vehicle	...	Closed Suburban Unit
	Type of Vehicle	...	Closed
	Maker's Name	...	Chevrolet
	Chassis Number	...	2 JPG 16054
	Engine Number	...	JBM 356555
II	Class of Vehicle	...	Jeep Car
	Type of Vehicle	...	Open
	Maker's Name	...	Willis
	Engine Number	...	3 J 90626

By Order of His Highness the Maharaja,

No. T. 451—R.T. 8-52-5, dated Bangalore, 1st May 1952.

In exercise of the powers conferred by Sections 8 and 17 of the Mysore Motor Vehicles Taxation and Tolls Act, 1951 (Act XII of 1951), His Highness the Maharaja is pleased to exempt the following vehicles belonging to the American Embassy, New Delhi, from payment of taxes and tolls leviable in Mysore State under the said Act:—

Description of the Vehicles.

I.	Class of Vehicle	...	Closed suburban Unit.
	Type of Vehicle	...	Closed.
	Maker's Name	...	Chevrolet.
	Chassis Number	...	2 JPG 16054.
	Engine Number	...	JBM 356555.
II.	Class of Vehicle	...	Jeep Car.
	Type of Vehicle	...	Open.
	Maker's Name	...	Willis.
	Engine Number	...	3 J 90626.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,

Secretary to Government,

Local Self-Government Department.

No. L.S. 494—L.W, 315-51-3, dated Bangalore, 2nd May 1952.

FIXATION OF OPENING AND CLOSING HOURS FOR DRAMATIC ASSOCIATION OR DRAMA THEATRES.

Notice is hereby given that it is proposed to pass an order under sub-section (1) of Section 13 of the Mysore Shops and Establishments Act, 1948, that with effect from 1st July 1952 no Dramatic Association or Dramatic Theatre situated in the Corporation of the City of Bangalore, Cities of Mysore, Davangere, Kolar Gold Fields Area and Towns of Shimoga and Chikmagalur shall be opened on any day earlier than 9 A.M. or closed any day later than 2-30 A.M.

Any person wishing to make any objection or suggestion with respect to the above order shall send it in writing to the Commissioner of Labour in Mysore, Bangalore, before the 1st of June 1952.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

No. A.F. 784—Mart. 4-52-2, dated Bangalore, 1st May 1952.

In exercise of the powers conferred by sub-section (1) of Section 6 of the Mysore Agricultural Produce Markets Act, 1939 (Mysore Act No. XVI of 1939), His Highness the Maharaja of Mysore is pleased to make the following further amendments to the Mysore Agricultural Produce Markets Rules, 1947, the draft of the amendments having been published in the *Mysore Gazette*, dated 6th March 1952 as required by the said Act.

In the said Rules,

(1) In clause (a) of sub-rule (2) of Rule 4, for the words "for the first period of three years", the words "for the term of the First Committee" shall be substituted;

(2) In Rule 18, for the sentence, "It shall hold office until the expiration of three years from the date of the year in which the list is published", the following sentence shall be substituted—"It shall hold office until

the expiration of three years from the date of the year in which the list is published, extensible by order of Government to a period of five years in the aggregate."

By Order of His Highness the Maharaja,

No. C. 102—Co. 4-52-5, dated Bangalore, 1st May 1952.

In exercise of the powers conferred by Section 3 and clause (a) of sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the Notification No. C. 3130—Co., dated the 3rd October, 1949, namely :—

In the schedule annexed to the said notification —

(1) To the entries under the heading "Messrs. Chas Pfizer & Co., Inc., New York", the following entry shall be added, namely :—

	Rs.	a.	p.
Terramycin Otic Solution 25 mg. Terramycin with 5 cc. Diluent Combination package...	6	0	0

(2) For the entry "Penicillin Crystalline (White) 'Avlon' Brand"

(Available either as the Potassium or Sodium Salt)

Under the heading "*Imperial Chemical Industries (India) Ltd.*," the following entry shall be substituted, namely :—

"*Crystalline Penicillin G (Sodium Salt)* 'Avlon'-brand."

By Order of His Highness the Maharaja,

No. C. 103—Co. 4-52-6, dated Bangalore, 1st May 1952.

In exercise of the powers conferred by Section 3 and clause (a) of sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the schedule to Notification No. C. 3130—Co., dated the 3rd October 1949, namely :—

In respect of the drugs in the schedule specified in column 1 hereunder which are manufactured by Messrs.

Chas Pfizer & Co., Inc., New York, Glaxo Laboratories and Lederle Laboratories (India), Ltd., Bombay, for the prices specified in column 2 of the said schedule, the prices specified in column 2 hereunder shall be substituted :—

	Rs.	a.	p.
Messrs. Chas Pfizer & Co., Inc., New York.			
Procaine Penicillin G Crystalline for Aqueous Injection, 300,000 units per cc—vials of 1 cc ...	3	0	0
"Pronapen"—Crystalline Procaine Penicillin G for Aqueous injection with buffered sodium Penicillin G "Pfizer"—vials of 400,000 units.	3	6	0
Combiotic P—S.			
Combination of Pronapen and Dihydrostreptomycin Sulphate. Each single dose consists of:—Crystalline Procaine Penicillin G—300,000 units Buffered Crystalline Sodium Penicillin G 100,000 units Dihydrostreptomycin Sulphate 1-gram. For one 3 cc. Aqueous Injection prepared by the addition of sterile Aqueous diluent for intramuscular administration—			
Single dose vial.—	7	4	0
Dihydrostreptomycin—1 gm. vial ...	4	0	0
Dihydrostreptomycin Sulphate—5 gram vial ...	18	8	0
Crystalline Terramycin Hydrochloride.			
(Newest of the Brand Spectrum Antibiotics).—			
Terramycin Capsules 255 mg. each—Bottle of 100	264	0	0
Bottle of 16 ...	44	0	0
Bottle of 8	23	0	0
Terramycin Capsules 100 mg. each Bottle of 100	120	0	0
Bottle of 25 ...	32	0	0
Terramycin Capsules 50 mg. each Bottle of 100 ...	62	0	0
Bottle of 25 ...	16	0	0
Terramycin Elixir (Formerly Terrabon) 1·5 gm. with 1 fluid oz. of diluent combination package ...	22	8	0
Terramycin Oral Drops 2 gm. with 10 cc. of diluent along with a specially calibrated dropper—combination package ...	24	0	0
Terramycin Ophthalmic Solution 25 mg. Terramycin Buffered and 5 cc. Diluent along with a dropper—Combination package ...	8	0	0
Terramycin Ophthalmic Ointment for Topical use only 1 mg. per gram ointment—1/8 oz. (3·5 gm.) tube.	1	14	0
Terramycin Ointment for Topical Application only 30 mg. per gm. ointment 1 oz. (28·4 gm.) tube.	12	0	0

	Rs.	a.	p.
Terramycin Troches 15 mg. each Troche box of 24 troches ...	5	12	0
Terramycin Intravenous Terramycin Hydrochloride with Sodium Glycinate as a buffer for Intravenous Injection only.—			
10 cc. vial 250 mg.	14	0	0
20 cc. vial 500 mg.	25	0	0
Glaxo Laboratories.			
Celin (Vitamin C).—			
Ampoules 6 x 1 cc.	5	5	0
Ampoules 500 mg. 3 x 5 cc.	5	0	0
Plexan ('crude' type)—			
Ampules 6 x 1 cc.	4	5	0
Phials 12 cc.	4	5	0
Whooping Cough Vaccine Phials 5 cc.	5	5	0
Diphtheria Prophylactic Phials 3 cc.	4	0	0
Septanilam (Sulphanilamide) Tablets 1000's	21	5	0
Lederle Laboratories (India) Ltd., Bombay.			
Lederlex Liquid—			
Brand of vitamin B complex with Folvite (cl).— 4 oz—	9	14	0
VI—Magna Capsules.—			
Brand of multiwitamins with Folvite (cl). 30—	7	6	0

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,

Food and Agriculture Departments.

No. L.S. 600—L.W. 304-51-10, dated Bangalore, 6th May 1952.

In exercise of the powers conferred by sub-section (1) of section 5 of the Indian Boilers Act, 1923 (Central Act No. V of 1923) and in supersession of all previous notifications under the corresponding provision of the Mysore Steam Boilers and Primemovers Act, 1920 in this behalf, His Highness the Maharaja of Mysore is pleased to appoint the persons mentioned in column I of the Table annexed hereto to be the Inspectors for the State and to direct that each Inspector shall exercise the powers conferred and imposed on Inspectors by or under the said Act in the areas specified in the corresponding entries in Column II of the said table.

TABLE.

Sl. No.	*I*	*II*
1.	Sri A. V. Raghavachar, B.Sc., M.Sc. (Tech.), (Manchester), M.I.E., etc.	Special Division, comprising of Bangalore (both City and Civil Area) and Kolar Gold Fields, with Headquarters at Bangalore.
2.	Sri M. R. Ashwathanarayana Rao.	Bangalore Division, comprising of Bangalore District, Kolar and Tumkur Districts with Headquarters at Bangalore.
3.	Sri A. N. Varadarajulu, L.M.E., L.E.F.	Mysore Division, comprising of Mysore, Mandya and Hassan Districts with Headquarters at Mysore.
4.	Sri K. Prahalada Rao, L.M.E.	Shimoga Division, comprising of Shimoga, Chitaldrug and Chikmagalur Districts with Headquarters at Shimoga.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

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PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

No. L.D. 289—L.A. 14-52-1, dated Bangalore, 14th May 1952.

In exercise of the powers conferred by clause (1) of Article 174 of the Constitution of India, I, Jaya Chamaraja Wadiyar, Maharaja of Mysore, do hereby summon the State Legislative Assembly to meet for the first session under the said Constitution at 11 A.M. on Wednesday the 18th June 1952, at the Legislative Assembly Hall, Bangalore.

JAYA CHAMARAJA WADIYAR,
Maharaja of Mysore.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION. 365

No. L.D. 291—L.A. 14-52-2, dated Bangalore 14th May 1952.

In exercise of the powers conferred by clause (1) of Article 174 of the Constitution of India, I, Jaya Chamaraja Wadiyar, Maharaja of Mysore, do hereby summon the State Legislative Council to meet for the first session under the provisions of the said Constitution at 11 A.M. on Monday the 16th June 1952, at the Legislative Council Hall, Bangalore.

JAYA CHAMARAJA WADIYAR,
Maharaja of Mysore.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. L. D. 293—L. A. 14-52-3, dated Bangalore, 14th May 1952.

In exercise of the powers conferred by clause (1) of Article 180 of the Constitution of India, I, Jaya Chamaraja Wadiyar, Maharaja of Mysore, do hereby appoint Sri V. Venkatappa, Member, Legislative Assembly, to perform the duties of the Office of the Speaker of the Mysore Legislative Assembly till a Speaker is duly elected by the said Assembly.

JAYA CHAMARAJA WADIYAR,
Maharaja of Mysore.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION. 366

No. L.D. 295—L.A. 14-52-4, dated Bangalore, 14th May 1952.

In exercise of the powers conferred by clause (1) of Article 184 of the Constitution of India, I, Jaya Chamaraja Wadiyar, Maharaja of Mysore, do hereby appoint Sri K. Sampathgiri Rao, Member, Legislative Council, to perform the duties of the Office of Chairman of the Mysore Legislative Council till a Chairman is duly elected by the said Council.

JAYA CHAMARAJA WADIYAR,
Maharaja of Mysore.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION

No. L.D. 1710—Legis. 6-51-43 dated Bangalore, 14th December 1951.

Ordered that Notification No. S.R.O. 1832, dated the 24th November, 1951 of the Ministry of Labour appointing the dates on which certain provisions of the Employees' State Insurance Act, 1948 will come into force published in the *Gazette of India*, Part II, Section 3, dated the 24th November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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MINISTRY OF LABOUR.

New Delhi, the 24th November 1951.

S.R.O. 1832.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby appoints—

(*a*) the 24th day of November 1951, as the date on which the provisions of Chapters I, II, III, VII and VIII and sections 44 and 45 of Chapter IV of the said Act shall come into force in all Part B States except the State of Jammu and Kashmir;

(*b*) the 24th day of November 1951 as the date on which the provisions of Chapter V-A of the said Act shall come into force in the whole of India except the State of Jammu and Kashmir.

[No. SS. 121 (56).]

N. M. PATNAIK, *Dy. Secy.*

NOTIFICATION. 369

No. L.D. 1712—Legis. 6-51-45, dated Bangalore, 14th December 1951.

Ordered that Notification No. S.R.O. 1831, dated the 24th November 1951 of the Ministry of Labour under the Employees' State Insurance Act, 1948 published in the *Gazette of India*, Part II, Section 3, dated the 24th November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LABOUR

New Delhi, the 24th November 1951.

S.R.O. 1831.—In pursuance of sub-section (3) of section 73-A of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby gives notice of its intention to fix after the expiry of a period of two months from the date of this notification, the following percentage of the total wage bill of the employer which shall constitute the employer's special contribution—

(*a*) in the case of factories and establishments situate in any area in which the provisions of both Chapters IV and V of the said Act are in force, 1¼ per cent of the total wage bill;

(*b*) in the case of factories and establishments situate in any other area, ¾ per cent of the total wage bill.

[No. SS. 131 (9).]

N. M. PATNAIK, *Dy. Secy.*

NOTIFICATION.

370

No. L.D. 1711—Legis. 6-51-44, dated Bangalore, 14th December 1951.

Ordered that the Notification No. S.R.O. 1802, dated the 17th November 1951 of the Ministry of Finance under the Sea Customs Act, 1878, prohibiting taking out of India any negative, film, or print of an aerial photograph published in the *Gazette of India*, Part II, Section 3, dated the 24th November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF FINANCE (REVENUE DIVISION)

CUSTOMS.

New Delhi, the 17th November 1951.

S.R.O. 1802.—In exercise of the powers conferred by Section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby prohibits except with the previous permission of the Central Government, the taking by sea or by land out of India of any negative, film or print of an aerial photograph of any place, locality or area in India or any other country.

[No. 77.]

D. P. ANAND, Dy. Secy.

NOTIFICATION.

371

No. L.D. 1715—Legis. 5-51-88, dated Bangalore, 14th December 1951.

Ordered that Notification No. S.R.O. 1800, dated the 14th November 1951 of the Ministry of Finance, amending the Part 'B' States (Taxation Concession) Order, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 24th November 1951, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF FINANCE (REVENUE DIVISION)

INCOME-TAX.

New Delhi, the 14th November 1951.

S.R.O. 1800—In exercise of the powers conferred by section 60A of the Indian Income-tax Act, 1922 (XI of 1922), the Central Government hereby directs that the following amendment shall be made in the Part 'B' States (Taxation Concession) Order, 1950, namely :—

After clause (iii) of paragraph 15 of the said Order, the following clause shall be added, namely :—

" (iv) the profits of any Co-operative Society registered under any Act in force in a Part 'B' State, or dividends or other payments received by members of any such society out of such profits.

For this purpose, the profits of a Co-operative Society shall not be deemed to include any income, profits or gains from

(1) investments in (*a*) securities of the nature referred to in section 8 of the Indian Income-tax Act, or (*b*) property of the nature referred to in section 9 of that Act,

(2) dividends, or

(3) the other sources referred to in section 12 of the Indian Income-tax Act. "

[No. 120.]

S. P. LAHIRI, Dy. Secy.

NOTIFICATION.

3712

No. L.D. 1714—Legis. 5-51-87, dated Bangalore, 14th December 1951.

Ordered that Notification No. S.R.O. 1824, dated the 15th November 1951 of the Ministry of Works, Production and Supply amending the Indian Boiler Regulations, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 24th November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS, PRODUCTION AND SUPPLY

CENTRAL BOILERS BOARD.

New Delhi, the 15th November 1951.

S.R.O. 1824.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board directs that the following amendments shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

For the table of Maximum working pressure annexed to clause (a) of regulation 510 of the said Regulations the following shall be substituted namely :—

(1) Smooth ordinary tubes—325 lb. 1 sq. in.
(2) Smooth ordinary strengthened tubes—375 lbs./sq. in.
(3) Smooth tubes with ring stays—475 lb./sq. in.
(4) Gill tubes of approved design—650 lb./sq. in.

[No. M/BL-304(52).]

N. P. DUBE,
Secretary, Central Boilers Board.

NOTIFICATION 373

No. L.D. 1713—Legis. 6-51-46 dated Bangalore, 14th December 1951.

Ordered that Notification No. S.R.O. 1819, dated the 15th November 1951 of the Ministry of Communications under the Telegraph Wires (Unlawful Possession) Act, 1950 published in the *Gazette of India*, Part II, Section 3, dated the 24th November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMUNICATIONS

POSTS AND TELEGRAPHS DEPARTMENT

New Delhi, the 15th November 1951.

S.R.O. 1819.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Telegraph Wires (Unlawful Possession) Act, 1950 (LXXIX of 1950), the Central Government hereby specially empowers each of the officers mentioned in column 1 of the Schedule hereto annexed with his headquarters specified in the corresponding entry in column 2 thereof to make complaints in respect of offences punishable under the said Act.

THE SCHEDULE

PART I

OFFICERS OF THE CENTRAL GOVERNMENT

Name of Department and designation of officer (1)	Headquarters of the Officer (2)
POSTS AND TELEGRAPHS	
Divisional Engineer, Telegraphs, Jullundur Division	Jullundur
Divisional Engineer, Telegraphs, Ambala Division	Ambala
Divisional Engineer, Telegraphs, Kanpur Division	Kanpur
Divisional Engineer, Telegraphs, Agra Division	Agra
Divisional Engineer, Telegraphs, Lucknow Division	Lucknow
Divisional Engineer, Telegraphs, Nagpur Division	Nagpur

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Name of Department and designation of officer (1)	Headquarters of the Officer (2)
Divisional Engineer, Telegraphs, Ajmer Division ...	Ajmer
Divisional Engineer, Telegraphs, Indore Division ...	Indore
Divisional Engineer, Telegraphs, Jaipur Division ...	Jaipur
Divisional Engineer, Telegraphs, Patna Division ...	Patna
Divisional Engineer, Telegraphs, Ranchi Division ...	Ranchi
Divisional Engineer, Telegraphs, Calcutta West ...	Calcutta
Assistant Divisional Engineer, Telegraphs I/C, Jalpaiguri (Independent) Sub-Division.	Jalpaiguri
Assistant Divisional Engineer, Telegraphs I/C, Cuttack (Independent) Sub-Division.	Cuttack
Divisional Engineer, Telegraphs, Shillong Division ...	Shillong
Divisional Engineer, Telegraphs, Vishakapatnam Division	Vishakapatnam
Divisional Engineer, Telegraphs, Madras Division ...	Madras
Divisional Engineer, Telegraphs, Tiruchirapalli Division ..	Tiruchirapalli
Divisional Engineer, Telegraphs, Bangalore Division ...	Bangalore
Divisional Engineer, Telegraphs, Hyderabad Divsiion ...	Hyderabad
Officer in charge, Travancore Telephone Group ...	Trivandrum
Divisional Engineer, Telegraphs, Bombay Division ...	Bombay
Divisional Engineer, Telegraphs, Poona Division ...	Poona
Divisional Engineer, Telegraphs, Ahmedabad Division ...	Ahmedabad
Divisional Engineer, Telegraphs, Rajkot Division ...	Rajkot
Divisional Engineer, Telegraphs, New Delhi (Auto) ...	New Delhi
Divisional Engineer, Telegraphs, New Delhi (General) ...	New Delhi
Chief Controller of Telegraph Stores, Calcutta ...	Calcutta
Controller of Telegraph Stores, Calcutta .	Calcutta
Controller of Telegraph Stores, Jabalpur ...	Jabalpur
Controller of Telegraph Stores, Bombay ...	Bombay
District Manager, Delhi Telephone District ...	New Delhi
District Manager, Madras Telephone District ...	Madras
General Manager, Calcutta Telephone District ...	Calcutta
General Manager, Bombay Telephone District ...	Bombay
Sub-Divisional Officer, Telegraphs, Gauhati Sub-Division ...	Gauhati
Sub-Divisional Officer, Telegraphs, Silchar, Sub-Division ...	Silchar
Sub-Divisional Officer, Tolgraphs, Dibrugarh Sub-Division	Dibrugarh
Sub-Divisional Officer, Telegraphs, Calcutta South Sub-Division.	Calcutta
Sub-Divisional Officer, Telegraphs, Howrah Sub-Division ...	Howrah
Sub-Divisional Officer, Telegraphs, Patna Sub-Division ...	Patna
Sub-Divisional Officer, Telegraphs, Muzaffarpur Sub-Division.	Muzaffarpur
Sub-Divisional Officer, Telegraphs, Gaya Sub-Division ...	Gaya
Sub-Divisional Officer, Telegraphs, Jamshedpur Sub-Division	Jamshedpur
Sub-Divisional Officer, Telegraphs, Bombay Sub-Division ...	Bombay
Sub-Divisional Officer, Telegraphs, Deolali Sub-Division ...	Deolali
Sub-Divisional Officer, Telegraphs, Manmad Sub-Division..	Manmad
Sub-Divisional Officer, Telegraphs, Ahmedabad Sub-Division	Ahmedabad
Sub-Divisional Officer, Telegraphs, Surat Sub-Division ...	Surat
Sub-Divisional Officer, Telegraphs, Rajkot Sub-Division ...	Rajkot

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Name of Department and designation of officer (1)	Headquarters of the Officer (2)
Sub-Divisional Officer, Telegraphs, Belgaum Sub-Division...	Belgaum
Sub-Divisional Officer, Telegraphs, Poona Sub-Division ...	Poona
Sub-Divisional Officer, Telegraphs, Nagpur Sub-Division ...	Nagpur
Sub-Divisional Officer, Telegraphs, Akola Sub-Division ...	Akola
Sub-Divisional Officer, Telegraphs, Raipur Sub-Division ...	Raipur
Sub-Divisional Officer, Telegraphs, Jabalpur Sub-Division ..	Jabalpur
Snb-Divisional Officer, Telegraphs, Indore Sub Division ...	Indore
Sub-Divisional Officer, Telegraphs, Jhansi Sub-Division ...	Jhansi
Sub-Divisional Officer, Telegraphs, Jodhpur Sub-Division ...	Jodhpur
Sub-Divisional Officer, Telegraphs, Ajmer Sub-Division ...	Ajmer
Sub-Divisional Officer, Telegraphs, Bangalore Sub-Division	Bangalore
Sub-Divisional Officer, Telegraphs, Bellary Sub-Division ...	Bellary
Sub-Divisional Officer, Telegraphs, Madras Sub-Division ...	Madras
Sub-Divisional Officer, Telegraphs, Villupuram Sub-Division	Villupuram
Sub-Divisional Officer, Telegraphs, Coimbatore Sub-Division	Coimbatore
Sub-Divisional Officer, Telegraphs, Calicut Sub-Division ...	Calicut
Sub-Divisional Officer, Telegraphs, Vishakhapatnam Sub-Division.	Vishakhapatnam.
Sub-Divisional Officer, Telegraphs, Mathurai Sub-Division	Mathurai
Sub-Divisional Officer, Telegraphs, Secunderabad Sub Division.	Secunderabad
Sub-Divisional Officer, Telegraphs, Bezwada Sub-Division ...	Bezwada
Sub-Divisional Officer, Telegraphs, Ambala Sub-Division ...	Ambala
Sub-Divisional Officer, Telegraphs, Delhi Sub-Division ...	New Delhi
Sub-Divisional Officer, Telegraphs, Ferozepur Sub-Division	Ferozepur
Sub-Divisional Officer, Telegraphs, Amritsar Sub-Division...	Amritsar
Sub-Divisional Officer, Telegraphs, Jammu Sub-Division ...	Jammu
Sub-Divisional Officer, Telegraphs, Lucknow Sub-Division...	Lucknow
Sub-Divisional Officer, Telegraphs, Allahabad Sub-Division	Allahabad
Sub-Divisional Officer, Telegraphs, Bareilly Sub-Division ...	Bareilly
Sub-Divisional Officer, Telegraphs, Agra Sub-Division ...	Agra
Sub-Divisional Officer, Telegraphs, Meerut Sub-Division ...	Meerut
Sub-Divisional Officer, Telegraphs, Kanpur Sub-Division ...	Kanpur
Sub-Divisional Officer, Telephones, Patna Telephone Sub-Division.	Patna
Sub-Divisional Officer, Telephones, Dhanbad Telephone Sub-Division.	Dhanbad
Sub-Divisional Officer, Telephones, Poona Telephone Sub-Division.	Poona
Sub-Divisional Officer, Telephones, Surat Telephone Sub-Division.	Surat
Sub-Divisional Officer, Telephones, Rajkot Telephone Sub-Division.	Rajkot
Sub-Divisional Officer, Telephones, Jaipur Telephone Sub-Division.	Jaipur
Sub-Divisional Officer, Telephones, Jodhpur Telephone Sub-Division.	Jodhpur

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Name of State and designation of Officer (1)	Headquarters of the officer (2)
Sub-Divisional Officer, Telephones, Indore Telephone Sub-Division.	Indore
Sub-Divisional Officer, Telephones, Bangalore Telephone Sub-Division.	Bangalore
Sub-Divisional Officer, Telephones, Ernakulam Telephone Sub-Division,	Ernakulam
Sub-Divisional Officer, Telephones, Tiruchirapally Telephone Sub-Division.	Tiruchirapally
Sub-Divisional Officer, Telephones, Coimbatore Sub-Division	Coimbatore
Sub-Divisional Officer, Telephones, Vishakhapatnam Telephone Sub-Division.	Vishakhapatnam.
Sub-Divisional Officer, Telephones, Simla Telephone Sub-Division.	Simla
Sub-Divisional Officer, Telephones, Amritsar Telephone Sub-Division.	Amritsar
Sub-Divisional Officer, Telephones, Patiala Telephone Sub-Division.	Patiala
Sub-Divisional Officer, Telephones, Jullundur Telephone Sub-Division.	Jullundur
Sub-Divisional Officer, Telephones, Lucknow Telephone Sub-Division,	Lucknow
Sub-Divisional Officer, Telephones, Bareilly Telephone Sub-Division.	Bareilly
Sub-Divisional Officer, Telephones, Dehradun Telephone Sub-Division.	Dehradun
Sub-Divisional Officer, Telephones, Meerut Telephone Sub-Division.	Meerut
Sub-Divisional Officer, Telephones, Kanpur Telephone Sub-Division.	Kanpur.
Sub-Divisional Officer, Telephones, Banares Telephone Sub-Division.	Benares
Sub-Divisional Officer, Telephones, Allahabad Telephone Sub-Division.	Allahabad
Sub-Divisional Officer, Telephones, Agra Telephone Sub-Division.	Agra
Sub-Divisional Officer, Telephones, New Delhi Telephone Division.	New Delhi

PART II

OFFICERS OF THE STATE GOVERNMENT

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Name of State and designation of officer (1)		Headquarters of the Officer (2)
ASSAM		
Superintendent of Police, Cachar ...	...	Silchar
Superintendent of Police, Goalpara	...	Dhubri
Superintendent of Police, Kamrup	...	Gauhati
Superintendent of Police, Darrang	...	Tezpur
Superintendent of Police, Nowgong	...	Nowgong
Superintendent of Police, Sibsagar	...	Jorhat
Superintendent of Police, Lakhimpur	...	Dibrugarh
Superintendent of Police, K. & J. Hills	...	Shillong
Additional Superintendent of Police, Cachar	...	Silchar
Additional Superintendent of Police, Goalpara	...	Dhubri
Additional Superintendent of Police, Kamrup	...	Gauhati
Additional Superintendent of Police, Sibsagar	...	Jorhat
Additional Superintendnt of Police, Lakhimpur	...	Dibrugarh
Divisional Police Officer, Karimganj	...	Karimganj
Divisional Police Officer, Goalpara	...	Goalpara
Divisional Police Officer, Barpeta	...	Barpeta
Divisional Police Officer, Mangaldai	...	Mangaldai
Divisional Police Officer, Sibsagar	...	Sibsagar
Divisional Police Officer, North	...	North
Divisional Police Officer, Lakhimpur	...	Lakhimpur
Divisional Police Officer, Lungleh	...	Lungleh
Superintendent of Police, Lushai Hills	...	Aijal
BIHAR.		
Senior Superintendent of Police, Patna District	...	Patna
Superintendent of Police, Patna City	...	Patna
Additional Superintendent of Police, Patna	...	Patna
Deputy Superintendent of Police, Patna City	...	Patna
Deputy Superintendent of Police, Patna	...	Patna
Deputy Superintendent of Police, Dinapore	...	Dinapore
Superintendent of Police, Gaya District	...	Gaya
Deputy Superintendent of Police, Gaya District	...	Gaya
Deputy Superintendent of Police, Gaya	...	Gaya
Deputy Superintendent of Police, Aurangabad	...	Aurangabad
Superintendent of Police, Shahabad District	...	Shahabad
Deputy Superintendent of Police, Arrah	...	Arrah
Deputy Superintendent of Police, Sasaram and Bhabua.		Sasaram and Bhabua.
Superintendent of Police, Muzaffarpur District	...	Muzaffarpur
Deputy Superintendent of Police, Muzaffarpur	...	Muzaffarpur
Deputy Superintendent of Police, Sitamarhi	...	Sitamarhi
Superintendent of Police, Saran District	...	Saran
Deputy Superintendent of Police, Chapra	...	Chapra

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Name of State and designation of officer (1)		Headquarters of the officer (2)
Deputy Superintendent of Police, Siwan and Gopalganj.		Siwan and Gopalganj.
Superintendent of Police, Champaran District	...	Champaran
Deputy Superintendent of Police, Motihari	...	Motihari
Deputy Superintendent of Police, Bettiah	...	Bettiah
Superintendent of Police, Darbhanga District	...	Darbhanga
Deputy Superintendent of Police, Madhubani	...	Madhubani
Deputy Superintendent of Police, Samastipur	...	Samastipur
Deputy Superintendent of Police, Laheriasarai	...	Laheriasarai
Superintendent of Police, Bhagalpur District	...	Bhagalpur
Deputy Superintendent of Police, Bhagalpur	...	Bhagalpur
Deputy Superintendent of Police, Banka	...	Banka
Superintendent of Police, Monghyr District	...	Monghyr
Additional Superintendent of Police, Monghyr	...	Monghyr
Deputy Superintendent of Police, Jamalpur	...	Jamalpur
Deputy Superintendent of Police, Monghyr	...	Monghyr
Deputy Superintendent of Police, Begusarai	...	Begusarai
Superintendent of Police, Purnea District	...	Purnea
Deputy Superintendent of Police, Purnea	...	Purnea.
Deputy Superintendent of Police, Purnea	...	Purnea
Deputy Superintendent of Police, Katihar	...	Katihar
Deputy Superintendent of Police, Araria	...	Araria
Superintendent of Police, Santhalparganas	...	Santhalparganas
Deputy Superintendent of Police, Dukma	...	Dukma
Deputy Superintendent of Police, Dukma	...	Dukma
Deputy Superintendent of Police, Deoghar	...	Deoghar
Deputy Superintendent of Police, Sahibganj	...	Sahibganj
Superintendent of Police, Ranchi District	...	Ranchi
Deputy Superintendent of Police, Ranchi	...	Ranchi
Deputy Superintendent of Police, Gumla and Semdaga.		Gumla and Semdaga.
Superintendent of Police, Hazaribagh District	..	Hazaribagh
Deputy Superintendent of Police, Hazaribagh	...	Hazaribagh
Deputy Superintendent of Police, Giridih	...	Giridih
Superintendent of Police, Palamau District	...	Palamau
Deputy Superintendent of Police, Palamau	...	Palamau
Superintendent of Police, Singhbhum District	...	Singhbhum
Deputy Superintendent of Police, Singhbhum	...	Singhbhum
Deputy Superintendent of Police, Jamshedpur	..	Jamshedpur
Superintendent of Police, Manbhum District	...	Manbhum
Additional Superintendent of Police, Dhanbad	...	Dhanbad
Deputy Superintendent of Police, Raghunathpur and Balrampur.		Raghunathpur and Balrampur.
Deputy Superintendent of Police, Dhanbad	...	Dhanbad
Deputy Superintendent of Police, Purulia	...	Purulia

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Name of State and designation of officer (1)	Headquarters of the officer (2)
MADRAS.	
Commissioner of Police, Madras	Madras
Collector of Anantapur	Anantapur
Collector of Bellary	Bellary
Collector of Chinglepet	Saidapet
Collector of Chittor	Chittor
Collector of Coimbatore	Coimbatore
Collector of Cuddapah	Cuddapah
Collector of South Arcot	Cuddalore
Collector of Kurnool	Kurnool
Collector of Nellore	Nellore
Collector of Nilgiris	Ootacamund
Collector of Ramanathapuram	Madurai
Collector of Salem	Salem
Collector of Srikakulam	Vishakhapatnam
Collector of Thirunelveli	Thirunelveli
Collector of North Arcot	Vellore
Collector of Vishakhapatnam	Vishakhapatnam
Collector of Krishna	Chilakalapudi
Collector of West Godavari	Eluru
Collector of Malabar	Kozhikode
Collector of South Kanara	Mangalore
Collector of Tanjore	Tanjore
Collector of Madurai	Madurai
Collector of Tiruchirapalli	Tiruchirapalli
Collector of Guntur	Guntur
Collector of East Godavari	Kakinada
UTTAR PRADESH.	
Superintendent of Police, Dehradun and Tehri Garhwal Districts.	Dehradun
Superintendent of Police, Muzaffarnagar District	Muzaffarnagar
Superintendent of Police, Saharanpur District	Saharanpur
Superintendent of Police, Meerut District	Meerut
Superintendent of Police, Bulandshahr District	Bulandshahr
Superintendent of Police, Aligarh District	Aligarh
Superintendent of Police, Muttra District	Muttra
Superintendent of Police, Agra District	Agra
Superintendent of Police, Mainpuri District	Mainpuri
Superintendent of Police, Etah District	Etah
Superintendent of Police, Bareilly District	Bareilly
Superintendent of Police, Bijnor and Garhwal Districts.	Bijnor
Superintendent of Police, Budaun District	Budaun
Superintendent of Police, Moradabad District	Moradabad
Superintendent of Police, Shahjahanpur District	Shahjahanpur
Superintendent of Police, Pilibhit District	Pilibhit

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Name of State and designation of officer (1)	Headquarters of the Officer (2)
Superintendent of Police, Rampur District ...	Rampur
Superintendent of Police, Farrukhabad ...	Farrukhabad
Superintendent of Police, Etawah District ...	Etawah
Superintendent of Police, Kanpur District ...	Kanpur
Superintendent of Police, Fatehpur District ..	Fatehpur
Superintendent of Police, Allahabad District ...	Allahabad
Superintendent of Police, Banda District .	Banda
Superintendent of Police, Hamirpur District ...	Hamirpur
Superintendent of Police, Jhansi District ...	Jhansi
Superintendent of Police, Jalaun District ...	Jalaun
Superintendent of Police, Banaras District ...	Banaras
Superintendent of Police, Mirzapur District ...	Mirzapur
Superintendent of Police, Jaunpur District ..	Jaunpur
Superintendent of Police, Ghazipur District ...	Ghazipur
Superintendent of Police, Ballia District ...	Ballia
Superintendent of Police, Gorakhpur District ...	Gorakhpur
Superintendent of Police, Basti District ...	Basti
Superintendent of Police, Azamgarh District ...	Azamgarh
Superintendent of Police, Deoria District ...	Deoria
Superintendent of Police, Nainital and Almora Districts.	Naini Tal
Superintendent of Police, Lucknow District ...	Lucknow
Superintendent of Police, Unnao District ...	Unnao
Superintendent of Police, Rae Bareli District ...	Rae Bareli
Superintendent of Police, Sitapur District ...	Sitapur
Superintendent of Police, Hardoi District ...	Hardoi
Superintendent of Police, Kheri District ...	Kheri
Superintendent of Police, Fyzabad District ...	Fyzabad
Superintendent of Police, Gonda District ...	Gonda
Superintendent of Police, Bahraich District ...	Bahraich
Superintendent of Police, Sultanpur District ...	Sultanpur
Superintendent of Police, Partabgarh District ...	Partabgarh
Superintendent of Police, Bara Banki District ...	Bara Banki
WEST BENGAL.	
Commissioner of Police, Calcutta ...	Calcutta
Deputy Commissioner of Police, Headquarters ...	Calcutta
Deputy Commissioner of Police, Special Branch ...	Calcutta
Deputy Commissioner of Police, Detective Branch.	Calcutta
Deputy Commissioner of Police, Security Branch...	Calcutta
Deputy Commissioner of Police, Enforcement Branch.	Calcutta
Deputy Commissioner of Police, Public Vehicle Department.	Calcutta
Deputy Commissioner of Police, Port Police ...	Calcutta
Deputy Commissioner of Police, North District ...	Calcutta
Deputy Commissioner of Police, Central District ...	Calcutta
Deputy Commissioner of Police, South District ...	Calcutta

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Name of State and designation of officer (1)	Headquarters of the Officer (2)
Deputy Commissioner of Police, Armed Police ...	Calcutta
Deputy Commissioner of Police, Receivership ...	Calcutta
Asistant Commissioner of Police, Headquarters ...	Calcutta
Asistant Commissioner of Police, Police Arms Act...	Calcutta
Assistant Commissioner of Police, Traffic Police ...	Calcutta
Assistant Commissioner of Police, Special Branch ...	Calcutta
Assistant Commissioner of Police, Detective Department.	Calcutta
Assistant Commissioner of Police, Security Control.	Calcutta
Assistant Commissioner of Police, Enforcement ...	Calcutta
Assistant Commissioner of Police, Public Vehicles Department.	Calcutta
Assistant Commissioner of Police, Port Police ...	Calcutta
Assistant Commissioner of Police, North ...	Calcutta
Assistant Commissioner of Police, South ...	Calcutta
Assistant Commissioner of Police, Central ...	Calcutta
Assistant Commissioner of Police, Police Training School.	Calcutta
Assistant Commissioner of Police, Armed Police ...	Calcutta
Superintendent of Police, Howrah ...	Howrah
Superintendent of Police, Hooghly ...	Chinsura
Superintendent of Police, Burdwan ...	Burdwan
Superintendent of Police, Birbhum ...	Suri
Superintendent of Police, Bankura ...	Bankura
Superintendent of Police, Midnapore ..	Midnapore
Superintendent of Police, 24-Parganas ...	Alipore
Superintendent of Police, Nadia ...	Krishnagar
Superintendent of Police, Murshidabad ...	Berhampur
Superintendent of Police, West Dinajpur ...	Balurghat
Superintendent of Police, Malda ...	Malda
Superintendent of Police, Jalpaiguri ...	Jalpaiguri
Superintendent of Police, Cooch-Behar ...	Cooch-Behar
Superintendent of Police, Darjeeling ...	Darjeeling
Superintendent of Government Railway Police, Howrah.	Howrah
Superintendent of Government Railway Police, Sealdah.	Calcutta
Additional Superintendent of Police, Asansol ...	Asansol
Additional Superintendent of Police, 24-Parganas ...	Alipore
Additional Superintendent of Police, Midnapore ...	Midnapore
Additional Superintendent of Police, Hooghly ...	Chinsura
Additional Superintendent of Police, Howrah ...	Howrah
Deputy Superintendent of Police, I ...	Cooch-Behar
Deputy Superintendent of Police, II ...	Cooch-Behar
Inspector of Police, D.I.B. ...	Cooch-Behar
Circle Inspector of Police, Sadar Circle ...	Cooch-Behar
Court Inspector of Police, Sadar ...	Cooch-Behar

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Name of State and designation of officer (1)	Headquarters of the Officer (2)
Circle Inspector of Police, Mathbhanga Circle ...	Mathabhanga
Circle Inspector of Police, Mekliganj Circle ...	Mekliganj
Inspector of Police, District Enforcement Branch and Anti-Corruption.	Cooch-Behar
Sub-Divisional Police Officer, Barrackpore ...	Barrackpore
Sub-Divisional Police Officer, Diamond Harbour ...	Diamond Harbour
Sub-Divisional Police Officer, Basirhat ...	Basirhat
Sub-Divisional Police Officer, Kharagpur ...	Kharagpur
Sub-Divisional Police Officer, Contai ...	Contai
Sub-Divisional Police Officer, Raiganj ...	Raiganj
Sub-Divisional Police Officer, Serampur ...	Serampur
Sub-Divisional Police Officer, Ranaghat ...	Ranaghat
Sub-Divisional Police Officer, Jangipur ...	Jangipur
Sub-Divisional Police Officer, Bongaon ...	Bongaon
Sub-Divisional Police Officer, Tamluk ...	Tamluk
Sub-Divisional Police Officer, Alipurduars ...	Alipurduars
Special Superintendent of Police, Criminal Investigation Department.	Alipore (Anderson House),
Special Superintendent of Police, Intelligence Branch.	Calcutta (13, Lord Sinha Road).
MYSORE	
District Superintendent of Police, Bangalore District.	Bangalore
District Superintendent of Police, Mysore District	Mysore
District Superintendent of Police, Tumkur District.	Tumkur
District Superintendent of Police, Hassan District ...	Hassan
District Superintendent of Police, Mandya District.	Mandya
District Superintendent of Police, Chickmagalur District.	Chickmagalur
District Superintendent of Police, Chitaldrug District.	Chitaldrug
District Superintendent of Police, Kolar District ...	Kolar
District Superintendent of Police, Shimoga District.	Shimoga
District Superintendent of Police, Bangalore North.	Bangalore City
District Superintendent of Police, Bangalore South.	Bangalore City
District Superintendent of Police, Railways ...	Bangalore City
Special Superintendent of Police, Kolar Gold Fields.	Oorgaum
Assistant Superintendent of Police, Channapatna Sub-Division.	Channapatna.
Assistant Superintendent of Police, Tiptur Sub-Division.	Tiptur
Assistant Superintendent of Police, Sagar Sub-Division.	Sagar

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Name of State and designation of officer (1)	Headquarters of the officer (2)
Assistant Superintendent of Police, Nanjangud Sub-Division.	Nanjangud
Assistant Superintendent of Police, Chikballapur Sub-Division.	Chikballapur
Assistant Superintendent of Police, Davangere Sub-Division.	Davangere City
PATIALA AND EAST PUNJAB STATES UNION.	
Deputy Commissioner, Patiala District ...	Patiala
Deputy Commissioner, Barnala District ..	Barnala
Deputy Commissioner, Bhatinda District ...	Faridkot
Deputy Commissioner, Sangrur District ...	Sangrur
Deputy Commissioner, Fatehgarh Sahib District ...	Fatehgarh
Deputy Commissioner, Kapurthala District ...	Kapurthala
Deputy Commissioner, Kandaghat District ..	Kandaghat
Deputy Commissioner, Mahendergarh District.	Nrnaul
SAURASHTRA STATE	
Inspector General of Police, Rajkot	Rajkot
District Superintendent of Police, Gohilwad District.	Bhavnagar
District Superintendent of Police, Halar District	Jamnagar
District Superintendent of Police, Sorath District ...	Junagadh
District Superintendent of Police, Madhya Saurashtra District.	Rajkot
Superintendent of Police, C.I.D.	Rajkot
Superintendent of Police, Railway ...	Rajkot
District Superintendent of Police, Zalawad District.	Surendranagar
Deputy Superintendent of Police, Central Saurashtra.	Bantwa
Deputy Superintendent of Police, Bhavnagar Division.	Bhavnagar
Deputy Superintendent of Police, Dhrangadhra Division.	Dhrangadhra
Deputy Superintendent of Police, Gondal Division ...	Gondal
Deputy Superintendent of Police, Jamnagar Division.	Jamnagar
Deputy Superintendent of Police, Khambhalia Division.	Jamnagar
Deputy Superintendent of Police, Dhoraji Division ..	Jetpur
Deputy Superintendent of Police, Northern Division.	Junagadh
Deputy Superintendent of Police, Kundla Division.	Kundla
Deputy Superintendent of Police, Mahuva-Talaja Division.	Mahuva
Deputy Superintendent of Police, Morvi Division.	Morvi
Deputy Superintendent of Police, Palitana Division.	Palitana
Deputy Superintendent of Police, Porbandar Division.	Porbandar

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Name of State and designation of officer (1)	Headquarters of the officer (2)
Deputy Superintendent of Police, Rajkot Division.	Rajkot
Deputy Superintendent of Police, Special Branch.	Rajkot
Deputy Superintendent of Police, Surendranagar Division.	Surendranagar.
Deputy Superintendent of Police, Southern Division.	Veraval
Inspector of Police, Gondal Division ...	Babra
Inspector of Police, Dhrangadhra Division ...	Bajana
Inspector of Police, Bhavnagar Division ...	Bhavnagar
Inspector of Police, Northern Division ...	Bilkha
Inspector of Police, Palitana Division ..	Botad
Inspector of Police, Dhoraji Division ..	Dhoraji
Inspector of Police, Khambhalia Division ...	Dhrol
Inspector of Police, Gondal Division ...	Gondal
Inspector of Police, Jamnagar Division ...	Jamnagar
Inspector of Police, Central Division ...	Keshod
Inspector of Police, Surendranagar Division ...	Limbdi
Inspector of Police, Mahuva Division ...	Mahuva
Inspector of Police, Morvi Division ...	Palitana
Inspector of Police, Porbandar Division ..	Porbandar
Inspector of Police, Rajkot Division ...	Rajkot
Inspector of Police, Kundla Division ...	Rajula
Inspector of Police, Southern Division ...	Una
Sub-Inspector of Police, Babra ...	Babra
Sub-Inspector of Police, Bagasara ...	Bagasara
Sub-Inspector of Police, Bagdana ...	Bagdana
Sub-Inspector of Police, Bagvadar ...	Bagvadar
Sub-Inspector of Police, Bajana ...	Bajana
Sub-Inspector of Police, Bantwa ...	Bantwa
Sub-Inspector of Police, Bhanvad ...	Bhanvad
Sub-Inspector of Police, Bhavnagar 'A' Division ...	Bhavnagar
Sub-Inspector of Police, Bhavnagar 'B' Division ...	Bhavnagar
Sub-Inspector of Police, Bhavnagar 'C' Division ...	Bhavnagar
Sub-Inspector of Police, Bhesan ...	Bhesan
Sub-Inspector of Police, Bilkha ...	Bilkha
Sub-Inspector of Police, Botad ...	Botad
Sub-Inspector of Police, Chock ...	Chock
Sub-Inspector of Police, Chorvad ...	Chorvad
Sub-Inspector of Police, Chotila ...	Chotila
Sub-Inspector of Police, Chuda ...	Chuda
Sub-Inspector of Police, Dasada ...	Dasada
Sub-Inspector of Police, Datha ...	Datha
Sub-Inspector of Police, Dhoraji ...	Dhoraji
Sub-Inspector of Police, Dhrafa ...	Dhrafa
Sub-Inspector of Police, Dhrangadhra City ...	Dhrangadhra
Sub-Inspector of Police, Dhrangadhra Taluka ...	Dhrangadhra
Sub-Inspector of Police, Dhrol ...	Dhrol
Sub-Inspector of Police, Gadhda ...	Gadhda

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Name of State and designation of officer (1)	Headquarters of the officer (2)
Sub-Inspector of Police, Gariadhar	Gariadhar
Sub-Inspector of Police, Gadhda	Gir-Gadhda
Sub-Inspector of Police, Gondal City	Gondal
Sub-Inspector of Police, Gondal Taluka	Gondal
Sub-Inspector of Police, Halvad	Halvad
Sub-Inspector of Police, Jafrabad	Jafrabad
Sub-Inspector of Police, Jamjodhpur	Jamjodhpur
Sub-Inspector of Police, Jamnagar 'A' Division	Jamnagar
Sub-Inspector of Police, Jamnagar 'B' Division	Jamnagar
Sub-Inspector of Police, Panchkoshi 'A' Division	Jamnagar
Sub-Inspector of Police, Panchkoshi 'B' Division	Jamnagar
Sub-Inspector of Police, Jasdan	Jasdan
Sub-Inspector of Police, Jesar	Jesar
Sub-Inspector of Police, Jetpur City	Jetpur
Sub-Inspector of Police, Jetpur Taluka	Jetpur
Sub-Inspector of Police, Jodia	Jodia
Sub-Inspector of Police, Junagadh City	Junagadh
Sub-Inspector of Police, Panchkoshi	Junagadh
Sub-Inspector of Police, Kalawad	Kalawad
Sub-Inspector of Police, Kalyanpur	Kalyanpur
Sub-Inspector of Police, Kandorana	Kandorana
Sub-Inspector of Police, Keshod	Keshod
Sub-Inspector of Police, Khambhalia	Khambhalia
Sub-Inspector of Police, Kotda-Sangani	Kotda-Sangani
Sub-Inspector of Police, Kundla	Kundla
Sub-Inspector of Police, Kutiana	Kutiana
Sub-Inspector of Police, Lakhtar	Lakhtar
Sub-Inspector of Police, Lalpur	Lalpur
Sub-Inspector of Police, Lathi	Lathi
Sub-Inspector of Police, Lilia	Lilia
Sub-Inspector of Police, Limbdi	Limbdi
Sub-Inspector of Police, Lodhika	Lodhika
Sub-Inspector of Police, Mahuva	Mahuva
Sub-Inspector of Police, Malia	Malia (Madhya-Saurashtra).
Sub-Inspector of Police, Malia	Malia (Sorath)
Sub-Inspector of Police, Manavadar	Manavadar
Sub-Inspector of Police, Mangrol	Mangrol
Sub-Inspector of Police, Mendarda	Mendarda
Sub-Inspector of Police, Morvi City	Morvi
Sub-Inspector of Police, Morvi Taluka	Morvi
Sub-Inspector of Police, Muli	Muli
Sub-Inspector of Police, Nagesari	Nagesari
Sub-Inspector of Police, Padadhari	Padadhari
Sub-Inspector of Police, Palitana	Palitana
Sub-Inspector of Police, Pansina	Pansina
Sub-Inspector of Police, Patan	Patan
Sub-Inspector of Police, Porbandar	Porbandar

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Name of State and designation of officer (1)		Headquarters of the officer (2)
Sub-Inspector of Police, Pradumannagar	..	Rajkot
Sub-Inspector of Police, Rajkot 'A' Division	..	Rajkot
Sub-Inspector of Police, Rajkot 'B' Division	...	Rajkot
Sub-Inspector of Police, Rajkot Taluka	...	Rajkot
Sub-Inspector of Police, Ranavav	...	Ranavav
Sub-Inspector of Police, Rajula	...	Rajula
Sub-Inspector of Police, Sayla	...	Sayla
Sub-Inspector of Police, Sihor	...	Sihor
Sub-Inspector of Police, Shil	...	Shil
Sub-Inspector of Police, Songadh	...	Songadh
Sub-Inspector of Police, Surendranagar	...	Surendranagar
Sub-Inspector of Police, Sutrapada	...	Sutrapada
Sub-Inspector of Police, Talaja	...	Talaja
Sub-Inspector of Police, Talala	...	Talala
Sub-Inspector of Police, Tankara	...	Tankara
Sub-Inspector of Police, Umrala	...	Umrala
Sub-Inspector of Police, Una	..	Una
Sub-Inspector of Police, Upleta	...	Upleta
Sub-Inspector of Police, Vadia	...	Vadia
Sub-Inspector of Police, Vala	...	Vala
Sub-Inspector of Police, Vanthali	...	Vanthali
Sub-Inspector of Police, Vasavad	...	Vasavad
Sub-Inspector of Police, Veraval	...	Veraval
Sub-Inspector of Police, Daseroi	...	Vertej
Sub-Inspector of Police, Visavadar	...	Visavadar
Sub-Inspector of Police, Wadhwan Taluka	...	Wadhwan
Sub-Inspector of Police, Wankaner City	...	Wankaner
Sub-Inspector of Police, Wankaner Taluka	...	Wankaner
TRAVANCORE-COCHIN		
District Superintendent of Police, Trivandrum	...	Trivandrum
District Superintendent of Police, Quilon	...	Quilon
District Superintendent of Police, Kottayam	...	Kottayam
District Superintendent of Police, Trichur	...	Trichur
VINDHYA PRADESH		
District Superintendent of Police, Rewa	...	Rewa
District Superintendent of Police, Satna	...	Satna
District Superintendent of Police, Shahdol	...	Shahdol
District Superintendent of Police, Sidhi	...	Sidhi
District Superintendent of Police, Tikamgarh	...	Tikamgarh
District Superintendent of Police, Datia	...	Datia
District Superintendent of Police, Chhatarpur	...	Chhatarpur
District Superintendent of Police, Panna	...	Panna
Superintendent of Police, Bilaspur	...	Bilaspur (Simla Hills).

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Name of State and designation of officer (1)		Heaquarters of the officer (2)
BHOPAL		
Superintendent of Police, Raisen District	...	Raisen
Superintendent of Police, Sehore District	...	Sehore
Superintendent of Police, Bhopal City	...	Bhopal
COORG		
District Magistrate, Coorg	..	Mercara
HIMACHAL PRADESH		
Superintendent of Police, Mahasu District	...	Kasumpti (Simla)
Superintendent of Police, Mandi District	...	Mandi
Superintendent of Police, Sirmur District	...	Nahan
Superintendent of Police, Chamba District	...	Chamba
KUTCH		
Inspector of Police, Nakhatrana	...	Nakhatrana
Inspector of Police, Bhachau	...	Bhachau
MANIPUR		
Inspector of Police, Imphal	...	Imphal
Sub-Divisional Officer, Churachandpur	...	Churachandpur
Sub-Divisional Officer, Tamenglong	...	Tamenglong
Sub-Divisional Officer, Ukhrul	...	Ukhrul
Sub-Divisional Officer, Sadar	...	Sadar
Sub-Divisional Officer, Thoubal	...	Thoubal
Sub-Divisional Officer, Jiribam	...	Jiribam
TRIPURA		
Superintendent of Police, Tripura	...	Agartala
Assistant Superintendent of Police, Tripura	...	Agartala

[No. NM. 30-4/50.]

K. V. VENKATACHALAM,
Deputy Secretary.

NOTIFICATION. 386

No. L.D. 1694—Legis. 5-51-81, dated Bangalore, 6th December 1951.

Ordered that Notification No. S.R O. 1760, dated the 7th November 1951 of the Ministry of Home Affairs amending the Indian Arms Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 17th November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

New Delhi, the 7th November 1951.

S.R.O. 1760.—In exercise of the powers conferred by sections 4, 10, 17 and 27 of the Indian Arms Act, 1878 (XI of 1878), the Central Government hereby directs that the following amendments shall be made in the Indian Arms Rules, 1951, namely :—

In the said rules—

1. In rule 10, sub-rules (2) and (3) shall be omitted.

2. In rule 15—

(*a*) In the heading, the words and letter "Part B State or to" shall be omitted.

(*b*) In clause (*a*) of sub-rule (1), the words and letter "Part B State or to other" shall be omitted.

(*c*) Sub-rule (2) shall be omitted.

3. In rule 16—

(*a*) In sub-rule (1), for the words and letters "Part A States and Part C States" the word "India" shall be substituted, and

(*b*) Sub-rules (2) and (3) shall be omitted.

4. In rule 21—

(*a*) In sub-rule (1) after clause (*a*), the following clause shall be inserted, namely :—

"(*aa*) Where they are consigned from a place in a Part B State—by the Chief Secretary to the Government of the State concerned".

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(*b*) In sub-rule (2) after clause (*a*), the following clause shall be inserted, namely :—

"(*aa*) Where they are consigned to a place in a Part B State—by the Chief Secretary to the Government of the State concerned".

5. In rule 22, in sub-rule (1) after clause (*a*), the following clause shall be inserted, namely :—

"(*aa*) In a place in a Part B State—to the Chief Secretary to the Government of the State concerned".

6. Rules 23 and 25 shall be omitted.

7. In rule 37—

In sub-rule (1)—

(*a*) the words and figures, "Save as provided by rule 23" and clause (*a*) shall be omitted;

(*b*) In clause (*b*), the words "the import or" shall be omitted; and after item (i) the following item shall be omitted; and after item (1) the following item shall be inserted, namely :—

"(iA) to a place in a Part B State, without the previous sanction of the Chief Secretary to the Government of the State concerned."

8. In Schedule V—

(*a*) In the heading, the words and letter "Part B States or to" shall be omitted;

(*b*) Entries (4) and (5) shall be omitted.

9. In Schedule VI—

(*a*) In the heading for the words and letters "the Part A States and Part C States", the word "India" shall be substituted;

(*b*) Entries (1), (3), (7) to (10), and item (ii) of entry (11) shall be omitted.

10. In Schedule VII—

(*a*) In Form III, the words, figures and brackets "Chief Secretary to Government of the State of [rule 10(3)]" shall be omitted.

(*b*) In Form V, the words, figures and brackets "Chief Secretary to the Government of State [rule 15(2)]" shall be omitted.

(*c*) In form VI the words, figures and brackets "Chief Secretary to the Government of State [rule 16(3)]" shall be omitted.

(*d*) In Form VIII, the words, "Chief Secretary to the Government of other State", "Chief Secretary to the Governmen of State" and the figures, brackets and letters "rules 23(2)(*a*)" in both the places where they occur and the figures, brackets and letters, "23(3)", "25(2)", "25 (2)(*a*)" and "25(2)(*b*)" shall be omitted.

[No. 9/26/51-Police (I).]

U. K. GHOSHAL, *Dy. Secy.*

NOTIFICATION.

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No. L.D. 1695—Legis. 5-51-82, dated Bangalore, 6th December 1951.

Ordered that Notification No. S.R.O. 1768, dated the 7th November 1951 of the Ministry of Natural Resource and Scientific Research amending the Mineral Concession Rules, 1949. published in the *Gazette of India*, Part II, Section 3, dated the 17th November 1951, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF NATURAL RESOURCE AND SCIENTIFIC RESEARCH.

New Delhi, the 7th November 1951.

S.R.O. 1768.—In exercise of the powers conferred by section 5 of the Mines and Minerals (Regulation and Development) Act,1948 (LIII of 1948), the Central Government hereby directs that the following amendment shall be made in the Mineral Concession Rules, 1949, namely :—

To rule 24 of the said rules the following proviso shall be added.—

" Provided that the State Government may for reasons to be recorded in writing and communicated to the licensee refuse to grant a mining lease to any such licensee ".

[No. MII-159(10).]

T. GONSALVES, *Dy. Secy.*

NOTIFICATION.

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No. L.D. 1696—Legis. 5-51-83, dated Bangalore, 6th December 1951.

Ordered that Notification No. S.R.O. 1771, dated the 9th November 1951 of the Ministry of Works, Production and Supply amending the Indian Boiler Regulations 1950, published in the *Gazette of India*, Part II, Section 3, dated the 17th November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF WORKS, PRODUCTION AND SUPPLY

CENTRAL BOILERS BOARD

New Delhi, the 9th November 1951.

S.R.O. 1771.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board hereby directs that the following amendment shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely:

In the said Regulations—

(1) In clause (*a*) of regulation 338, for the words, letters and figures "C-Constant as follows:—

	Cold Drawn Tubes	*Hot Drawn Tubes*
For generating tubes and unprotected furnace Wall Tubes the following shall be substituted namely:—	C=0·06	C=0·08
C=Constant as follows:—		
First two rows of generating Tubes and unprotected furnace wall tubes	...	0·08
Remainder of generating tubes protected furnace wall tubes, plain economiser tubes and radiant superheater tubes ...	...	0·06
Tubes other than above and economiser tubes where fitted with cast iron gills	...	0·04"

(2) In regulation 350, for the letters, figures and brackets "Eqn.91)", the letters, figures and brackets

$$\text{"W.P.} = \frac{2Se.(t-4)}{100\ D}\text{"}$$ shall be substituted,

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(3) In regulation 352, for Table 3, the following table shall be substituted, namely :—

"TABLE 3

Maximum permissible working stress in lbs. (Values of S).

Pipes	Allowable working stresses in lbs./sq. in. for design temperatures as given below Intermediate values by linear interpolation									
	Up to and including									
	500°F	550°F	600°F	650°F	700°F	750°F	800°F	850°F	875°F	900°F
Cold drawn weldless steel. Hot finished weldless steel. Hydraulic (water gas) lap-welded steel. ...	13000	12500	11800	11100	10300	9500	8500	7500	6800	5600
Roll Lapweldedsteel ...	12300	Not used for these temperatures."								

[No. M/BL-304(59).]

N. P. DUBE,

Secretary, Central Boilers Board.

NOTIFICATION.

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No. L.D. 1697—Legis. 5-51-84, dated Bangalore, 6th December 1951.

Ordered that Notification No. S.R.O. 1776, dated the 12th November 1951, of the Ministry of Labour amending the Indian Coal Mines Regulations, 1926, published in the *Gazette of India*, Part II, Section 3, dated the 17th November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LABOUR

S.R.O. 1776.—In exercise of the powers conferred by section 29 of the Indian Mines Act, 1923 (IV of 1923), the Central Government hereby directs that the following further amendment shall be made in the Indian Coal Mines Regulations, 1926, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

For clause (2) of Regulation 1, of the said Regulations the following clause shall be substituted namely :—

"(2) They extend to the whole of India except the State of Jammu and Kashmir".

[No. M. 41(21)51/I]

P. N. SHARMA, *Under Secy.*

NOTIFICATION.

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No. L.D. 1698—Legis. 5-51-85, dated Bangalore, 6th December 1951.

red that Notification No. S.R.O. 1777, dated the 12th r 1951, of the Ministry of Labour amending the Mines Rules, 1946, published in the *Gazette of India*, Part II, 3, dated the 17th November 1951, be republished in the *Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LABOUR

R.O. 1777.—In exercise of the powers conferred by section 30 of the Mines Act, 1923 (IV of 1923), the Central Government hereby directs the following further amendment shall be made in the Mines Creches 1946, the same having been previously published as required by sub- (1) of section 31 of the said Act, namely.

For sub-rule (2) of rule 1 of the said Rules, the following sub-rule shall stituted, namely :—

"(2) They extend to the whole of India except the State of Jammu and Kashmir."

[No. M.41(21)51/II.]

P. N. SHARMA, *Under Secy.*

NOTIFICATION.

394

No. L.D. 1699—Legis. 5-51-86, dated Bangalore, 6th December 1951.

Ordered that Notification No. S.R.O. 1778, dated the 12th November 1951, of the Ministry of Labour amending the Coal Mines Pithead Bath Rules, 1946 published in the *Gazette of India*, Part II, Section 3, dated the 17th November 1951, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LABOUR

S.R.O. 1778.—In exercise of the powers conferred by section 30 of the Indian Mines Act, 1923 (IV of 1923), the Central Government hereby directs that the following same having been previously published as required by sub-section (1) of section 31 of further amendment shall be made in the Coal Mines Pithead Rath Rules, 1946, the said Act namely :—

For sub-rule (2) of rule 1 of the said Rules, the following sub-rule shall be substituted namely :—

"(2) They extend to the whole of India except the State of Jammu and Kashmir".

[No. M.41(21)51/III.]

P. N. SHARMA, *Under Secy.*

Printed by the Director of Printing, Stationery and Publications
at the Government Press, Bangalore

NOTIFICATION.

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No. L.D. 240—Legis. 5-52-14, dated Bangalore, 1st March 1952.

Ordered that the Employees' State Insurance (General) Regulations, 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

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GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

EMPLOYEES' STATE INSURANCE CORPORATION.

NOTIFICATION.

New Delhi, the 17th October 1950.

No. R.S./5/48.—In exercise of the powers conferred by section 97 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Employees' State Insurance Corporation is pleased to make the following regulations, the same having been previously published as required by sub-section (1) of the said section, namely :—

EMPLOYEES' STATE INSURANCE (GENERAL) REGULATIONS.

CHAPTER I.

1. *Short title.*—These regulations may be called the Employees' State Insurance (General) Regulations, 1950.

2. *Definitions.*—In these regulations, unless the context otherwise requires—

(*a*) "Act" means the Employees' State Insurance Act, 1941 (XXXIV of 1948);

(*b*) "Appointed Day" means with reference to any area, factory or establishment, the day from which the whole of Chapters IV and V of the Act apply to such area, factory or establishment, as the case may be;

(*c*) "Appropriate Office", "appropriate Local Office" or "appropriate Regional Office" shall mean with reference to any action taken under these regulations, such office of the Corporation as may be specified for that purpose under a general or special order of the Corporation;

(*d*) "Central Rules" means the rules made by the Central Government under section 95 of the Act;

(*e*) "Contribution Card" means a card issued in respect of an insured person for the purpose of affixing contribution stamps, or recording otherwise the contribution paid, in respect of such person under the Act;

(*f*) "Contribution Stamp" means a stamp issued under the authority of the Corporation for the purpose of paying contributions under the Act and these regulations;

(*g*) "Employer" means the principal employer as defined in the Act;

(*h*) "Employer's Code Number" means the distinguishing number allotted to an employer by the appropriate Regional Office;

(*i*) "Factory or Establishment" means factory or establishment to which the Act applies;

(*j*) "Form" means a form appended to these regulations;

(*k*) "Identity Card" means a card issued by the appropriate Regional Office to an insured person for identification for the purposes of the Act, the rules and these regulations;

(l) "Inspector" means a person appointed as such by the Corporation under section 45 of the Act;

(m) "Instructions" means instructions or orders issued by the Corporation or by such officer or officers of the Corporation as may be authorised by the Corporation in this behalf;

(n) "Insurance Medical Officer" means a medical practitioner appointed as such to provide medical benefit and to perform such other functions as may be assigned to him and shall be deemed to be a duly appointed medical practitioner for the purposes of Chapter V of the Act;

(o) "Insurance Number" means a number allotted by the appropriate Regional Office to an employee for the purposes of the Act, the rules and these regulations;

(p) "Local Office" and "Regional Office" shall mean, according to the context, such subordinate office of the Corporation, set up at such place and with such jurisdiction and functions as the Corporation may, from time to time, determine;

(q) "Local Office Manager" means a person appointed by the Corporation as such and who is the officer-in-charge of a Local Office;

(r) "State Rules" means the rules made by a State Government under section 96 of the Act;

(s) "Regional Director" means a person appointed by the Corporation as such for a specified region;

(t) "Registered Midwife" means a person who is registered as a midwife under any law in force in any State providing for registration of nurses and midwives;

(u) "Rules" means rules made by the Central or State Government under the Act;

(v) "Specified" means specified by instructions issued from time to time by the Corporation or any authorised officer;

(w) "Year" means a calendar year except when specifically stated otherwise.

(x) All other words and expressions have the meanings respectively assigned to them in the Act or the rules, as the case may be.

3. *The manner in which the Corporation may exercise its powers.*—(1) Where a regulation empowers the Corporation to specify, prescribe, provide, decide or determine anything or to do any other act such power may be exercised by a resolution of the Corporation or subject to the provisions of section 18 of the Act by a resolution of the Standing Committee:

Provided that the Corporation or the Standing Committee may delegate any of the powers under these regulations to sub-committee or to such officers of the Corporation as it may specify in that behalf:

Provided further that no power shall be delegated under this regulation which under the Act is required to be exercised by the Corporation only.

(2) Any appointment to be made by the Corporation under these regulations, shall be made by the Director-General or by such other officers as may be authorised in this behalf by the Standing Committee.

(4) *Contribution and Benefit Periods.*—(1) A 'contribution period' shall, subject to the provisions of Regulation 5, be one of the following periods:—

(i) The period of 26 consecutive weeks commencing from the midnight of night of Saturday the 29th July, 1950, or any of the subsequent periods of 26 consecutive weeks following immediately after the close of the preceding contribution period—This set of contribution periods is hereinafter called Set A;

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(ii) The period of 26 consecutive weeks commencing from the midnight of night of Saturday the 30th September, 1950, or any of the subsequent periods of 26 consecutive weeks following immediately after the close of the preceding contribution period—This set of contribution periods is hereinafter called Set B; and

(iii) The period of 26 consecutive weeks commencing from the midnight of night of Saturday the 25th November, 1950, or any of the subsequent periods of 26 consecutive weeks following immediately after the close of the preceding contribution period—This set of contribution periods is hereinafter called Set C.

(2) The benefit period corresponding to any contribution period shall, subject to the provisions of Regulation 5, be the period of 26 consecutive weeks following the close of that contribution period, exactly after an interval of 13 consecutive weeks.

Example.—The contribution period of Set A commencing from the midnight of Saturday the 27th January, 1951. closes on the midnight of night of Saturday the 28th July, 1951. The benefit period corresponding to this contribution period commences 13 weeks after the midnight of night of Saturday the 28th July, *i.e.*, from the midnight of night of Saturday the 27th October, 1951.

Allotment of Contribution and Benefit Periods.—(1) The appropriate Regional Office or, in accordance with the instructions issued in this behalf by the Corporation, the employer shall allot to each person, who is an employee within the meaning of the Act on the *appointed day*, one of the sets A, B or C of the *contribution* periods; and the first contribution period and the corresponding benefit period for such person shall commence and end on such dates as the Director-General may determine for the set of contribution periods allotted to him.

(2) In the case of a person who becomes an employee within the meaning of the Act, for the first time after the *appointed day*, the set of contribution periods to be allotted to him shall be as indicated below and the first contribution period in respect of the person shall commence from the midnight of night of the Saturday immediately preceding the day on which he becomes an employee and shall end when the then current contribution period, belonging to the set allotted to him, ends :—

Date of commencing work as an employee falling in the calendar months.	Set of contribution periods
February, March, August or September	Set A
April, May, October or November	Set B
January, June July or December	Set C

6. *Meetings of the Corporation, the Standing Committee and Medical Benefit Council.*—The meetings of the Corporation, the Standing Committee and the Medical Benefit Council shall be held in accordance with the Central Rules at such time and place as may be fixed by the Chairman concerned.

7. *Decision of majority.*—Every matter coming up for decision before a meeting of the Corporation, the Standing Committee or the Medical Benefit Council shall be decided by a majority of persons present and voting at the meeting and in case of equality of votes, the Chairman of the meeting shall have an additional casting vote.

8. *Model of exercising vote.*—The votes shall be taken by show of hands and the names of persons voting in favour and against any proposition shall be recorded only if any member present requests the Chairman to do so.

9. *Matters to be brought before the Corporation.*—In addition to the matters which are, under any specific provision of the Act or the Central Rules, required to be placed before the Corporation, the following matters shall be referred to the Corporation for its decision :—

(*a*) regulations under section 97 and amendments thereto before final publication ;
(*b*) any measures proposed under section 19 of the Act ;
(*c*) any proposal to extend medical benefit to families under sub-section (2) of section 46 ;
(*d*) any dispute proposed to be referred to arbitration under sub-section (4) of section 58 ;
(*e*) any proposal to set up hospitals under section 59 ;
(*f*) any proposal to grant exemption under section 91 ;
(*g*) any proposal to enhance benefits under section 99 ;
(*h*) any other matter which the Corporation or its Chairman may direct the Standing Committee or the Director-General to place before the Corporation.

10. *Regional Boards.*—(1) A Regional Board may be set up for such area as may be considered appropriate by the Director-General and shall consist of the following members, namely :—

(*a*) A senior official of the State in which the Regional Headquarters is situated, to be nominated by the State Government concerned, as Chairman ;
(*b*) One representative of each of the other States, if any, included in the area, to be nominated by the State Government concerned ;
(*c*) The Director or Directors of Health Services of the States concerned, *ex-officio* ;
(*d*) Such number, being not less than two or more than five, of employers' representatives as may be considered appropriate by the Director-General, to be nominated by him, in consultation with such employer's organisations as may be recommended for the purpose by the State Government or Governments concerned ;
(*e*) An equal number of employees' representatives to be nominated by the Director-General in consultation with such organisations of employees as may be recommended for the purpose by the State Government or Government concerned ; and
(*f*) The Regional Director or Officer-in-Charge of the Regional Office, *ex-officio*—who shall also act as Secretary to the Board.

(2) (i) The term of office of the members of the Regional Board other than those referred to in clauses (*a*), (*b*), (*c*) and (*f*) of sub-regulation (1), shall be two years commencing from the date on which their nomination is notified, provided that the members of the Regional Board shall, notwithstanding the expiry of the said period continue to hold office until the nomination of their successors is notified.

(ii) The members of the Regional Board referred to in clauses (*a*) and (*b*) of sub-regulation (1) shall hold office during the pleasure of the State Government or Governments nominating them.

(3) A member of the Regional Board may resign his office by notice in writing to the Director-General and his seat shall fall vacant on the acceptance of the resignation.

(4) A member of the Regional Board shall cease to be a member of the Board if he fails to attend three consecutive meetings thereof provided that his membership may be restored by the Director-General on his being satisfied as to the unavoidable nature of the circumstances which led to his non-attendance.

(5) The members of the Board shall receive such fees and allowances as may be prescribed by the Central Government for members of the Corporation.

(6) The Secretary shall, in consultation with the Chairman, and with the approval of the Director-General, fix the date, time and place of, and also draw up the Agenda for every meeting. Notice of not less than ten days shall ordinarily be given to every member for each meeting. No matter other than that included in the Agenda shall be considered except with the permission of the Chairman.

(7) No business shall be transacted at any meeting unless there is a quorum of not less than one-third of the number of the members on the Board.

(8) All matters shall be decided by a majority of person present and voting and in case of equality of votes, the Chairman shall have a casting vote or a second vote.

(9) A Regional Board shall perform the following functions in respect of the Region for which it is set up:—

(*a*) To discuss the problems of the relationship between the Corporation, its officers and offices and the employers, employees and the insured persons so as to secure efficient working of the Scheme with the full co-operation of all parties concerned and to make recommendations to the Director-General in regard to all such matters.

(*b*) To make recommendations to the Director-General from time to time in regard to changes which may in its opinion be advisable in the regulations, the forms and the procedure to be followed in the running of the Scheme.

(*c*) To refer such complaints as it may consider necessary to the Insurance Commissioner for investigation.

(*d*) To advise the Corporation on such matters as may be referred to it for advice by the Director-General or by the Regional Director on his behalf.

CHAPTER II.

COLLECTION OF CONTRIBUTIONS, ETC.

11. *Declaration by persons in employment on appointed day.*—The employer in respect of a factory or an establishment shall require every employee in such factory or establishment to furnish and such employee shall on demand furnish to him either before or on the appointed day correct particulars required for the purpose of Form 1 (hereinafter referred to as the Declaration Form). Such employer shall enter the particulars in the Declaration Form and obtain the signature or the thumb impression of such employee and also complete the form as indicated thereon. The temporary identification certificate duly completed shall thereafter be detached from the form and handed over to the employee.

12. *Declaration by persons engaged after the appointed day.*—(1) The employer in respect of a factory or an establishment shall, before taking any person into employment in such factory or establishment after the appointed day, require such person (unless he can produce an Identity Card or other document in lieu thereof issued to him under these regulations) to furnish and such person shall on demand furnish to him correct particulars required for the Declaration Form. Such employer shall enter the particulars in the Declaration Form and obtain the signature or the thumb impression of such person and also complete the form as indicated thereon. The temporary identification certificate duly completed shall be

detached from the form and handed over to the person after he has been taken into employment.

(2) Where an Identity Card is produced under sub-regulation (1), the employer shall make relevant entries thereon.

13. *Preparation of Contribution Card.*—The employer shall prepare a Contribution Card in Form 2, in respect of every employee in his employment on the appointed day or who is taken into employment after that day, including those who produced an Identity Card and in respect of whom no fresh Declaration Form is prepared.

14. *Declaration Forms to be sent to Regional Office.*—The employer shall send to the appropriate Regional Office by registered post or messenger, all Declaration Forms prepared under these regulations together with a return in duplicate in Form 3 on or before the Saturday following the end of the week in which the particulars for the Declaration Forms were furnished.

15. *Allotment of Insurance Number.*—On receipt of the return required under Regulation 14, the appropriate Regional Office shall promptly allot an Insurance Number to each person in respect of whom the Declaration Form has been received unless it finds that the person had already been allotted an Insurance Number. The Insurance Number shall be communicated to the employer and shall be entered by the employer on the Contribution Card of the person.

16. *The Corporation to receive assistance from employers.*—An employer shall render all necessary assistance which the Corporation may require in connection with the registration of his employees and specially for photographing such employees and affixing the photographs to the Identity Cards.

17. *Identity Cards.*—The appropriate Regional Office shall arrange to have an Identity Card prepared in Form 4 for each person in respect of whom an Insurance Number is allotted and shall send all such Identity Cards to the employer. Such employer shall obtain the signature or thumb impression of the employee on the Identity Card and shall after making relevant entries thereon, deliver the Identity Card to the employee and obtain a receipt therefor.

18. *Loss of Identity Card.*—In case of loss, defacement or destruction of an Identity Card, the insured person shall report the matter to the appropriate Local Office, and the Corporation may issue a duplicate copy of the Identity Card on payment of a fee of two rupees.

19. *Period for which Contribution Card valid.*—A Contribution Card issued under these regulations shall be current till the end of the contribution period in respect of the person to whom it relates.

20. *Fresh Contribution Card.*—Every employer shall on or before the expiration of the period of currency of a Contribution Card prepared in respect of the employee to whom the card relates a fresh Contribution Card in Form 2 for the next contribution period.

21. *Custody of Contribution Cards.*—The employer shall retain the Contribution Cards in respect of the employees in his factory or establishment and be responsible for the custody thereof so long as such cards are not disposed of in accordance with the provisions of these regulations.

22. *Inspection of Contribution Cards by Inspector.*—An employer being in possession of any Contribution Card shall produce it for inspection at any reasonable

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time when required to do so by an Inspector or by any other official of the Corporation authorised by it, and, if so required, shall deliver the Contribution Card to the Inspector or official who may, if he thinks fit, retain it. The Inspector or the official shall give a receipt in Form 5 for a Contribution Card retained by him. The employer shall prepare immediately another Contribution Card in respect of the person whose card has been retained by the Inspector or the official and shall enter on the fresh card the particulars of the stamps on the card given to the Inspector or the official.

23. *Inspection of Contribution Cards by employees.*—Every employer having the custody of the Contribution Card of an employee shall give him a reasonable opportunity to inspect his card, if he so desires: provided that no person shall be entitled by virtue of this provision to inspect his Contribution Card more than once in any calendar month or except during such reasonable hours as may be fixed by the employer for the purpose.

24. *Loss of Contribution Card.*—Where the Contribution Card of any person while in the custody of any employer is destroyed or lost or is defaced in any material particular, the employer shall forthwith report the destruction, loss or defacement of the Contribution Card to the appropriate Regional Office and shall forthwith prepare a new Contribution Card in respect of such person and arrange for affixing thereon the contribution stamps which should have been affixed upto date, or for recording the particulars regarding contributions paid in cash upto date.

25. *Refund for Contribution Stamps.*—The Corporation may, subject to satisfactory evidence being produced and subject to such other conditions as it may lay down, grant a refund for contribution stamps which were affixed to a card destroyed lost or defaced.

26. *Contribution Cards to be sent to Regional Office.*—An employer, being in possession of a Contribution Card in respect of any person, shall send it by registered post or messenger, together with a return in duplicate in Form 6 to the appropriate Regional Office—

(*a*) within 7 days of the date on which he comes to know of the death of such person;

(*b*) within 7 days of the date of receipt of a requisition in that behalf from the appropriate Regional Office;

(*c*) within 15 days of the termination of the contribution period to which it relates.

27. *Return of employment.*—At the end of each contribution period an employer shall send to the appropriate Regional Office a return of employment in Form 7 together with the return in Form 6 provided for in Regulation 26.

28. *Preparation of Contribution Cards by the Corporation.*—Notwithstanding anything contained in these regulations the Corporation may, after intimation to the employer, prepare and issue Contribution Cards for any contribution period in respect of any person to whom the Act applies, and where it does so the employer shall not issue any Contribution Card in respect of such person and such period.

29. *Payment of Contribution by Stamps.*—Every contribution payable under the Act, shall, except as otherwise provided herein be paid by affixing contribution stamps on the Contribution Card of the employee in the space indicated for that purpose upon the Card. The contribution stamps shall be of such shape and design as the Corporation may from time to time determine, and shall be sold in such manner and at such agencies as the Corporation may notify from time to time.

30. *Contribution Stamp Book.*—Every employer shall keep a 'Contribution Stamp Book' in a specified form in which shall be entered all purchases and utilisations of contribution stamps by the employer, and such book shall be open to inspection by an Inspector or any other official of the Corporation authorised by it.

31. *Time for payment of Contribution.*—An employer who is liable to pay contribution in respect of any employee shall pay those contributions within the following periods :—

(*a*) within 10 days of the last day of the wage period in which the contribution falls due ;

(*b*) within 14 days of the termination of employment, irrespective of whether the employment is terminated with or without notice ;

(*c*) within 14 days after the termination of the contribution period in respect of every employee,

whichever period is earlier.

Explanation.—For the purpose of this regulation, the expression "wage period" shall have the meaning assigned to it in the Payment of Wages Act, 1936 (IV of 1936).

32. *Register of employees.*—(i) Every employer shall maintain a register showing the following particulars in respect of each wage period in respect of every employee in his factory or establishment :—

(*a*) Name ;

(*b*) Insurance No ;

(*c*) Occupation ;

(*d*) Department and shift, if any ;

(*e*) Wage group in Schedule I to the Act to which the employee belongs in respect of that wage period ;

(*f*) Number of contribution weeks for which contribution fell due in the wage period ;

(*g*) Total contribution under the Act for the wage period ; and

(*h*) Employee's share of the contribution :

Provided that the employer shall be deemed to have complied with this regulation sufficiently if in any register maintained by him the additional particulars required under this regulation are also shown.

(ii) Every employer shall preserve every register maintained under this regulation after it is filled for a period of five years from the date of the last entry therein.

33. *Other modes of payment of Contribution.*—Subject to the direction of the Standing Committee, the Director-General may, if he thinks fit and subject to such terms and conditions as he may impose, approve of any arrangement, including payment in cash, whereby contributions are paid at times or in a manner other than those specified in these regulations and such arrangements may include provision for the payment to the Corporation of such fees as may be determined by him to represent the estimated additional expenses to the Corporation, and may require such deposit of money by way of security as he may determine.

34. *Cancellation of Contribution Stamps.*—(1) An employer shall, immediately after affixing a contribution stamp to any Contribution Card, cancel the stamp by writing in ink, or stamping with a metallic die with black indelible ink across the face of the stamp, the date upon which it is affixed, the employer's code number and such other particulars, if any, as the Corporation may specify, and save as expressly provided in these regulations, no other writing or mark and no perforation shall be made on a Contribution Card or a contribution stamp.

(2) An employer may, if he thinks fit, inscribe upon the Contribution Card of an employee, the unmber of that employee upon the pay-list or in the books of the employer.

35. *Reasons for non-payment of Contributions.*—Where no contribution is payable in respect of a week or weeks in any contribution period, the reason for non-payment shall be clearly indicated in writing in the space provided for affixing stamps or recording contributions.

36. *Employment for part of a week.*—Where an employee is employed by an employer for part of a week and where such employee was not employed earlier during that week in any factory or establishment the contribution in respect of such week shall fall due on the last day of employment by such employer in that week.

37. *Employment by two or more employers successively in any week.*—Where an employee is employed by two or more employers successively in any week, the first employer employing him in that week shall be treated as his employer for the purposes of the provisions of the Act and the regulations relating to contributions, and the contribution in respect of such week shall fall due on the last day of employment by the first employer during that week.

38. *Scheme by joint employers.*—Where an employee is ordinarily employed by two or more employers in a week, the employers of such an employee may, if they think fit, submit to the Corporation a scheme for the payment of contributions in respect of such employee and the Corporation may, if it is satisfied that the scheme is such as will secure the due payment of the contributions, approve such a scheme subject to such terms and conditions as it may think necessary :

Provided that if no such scheme is submitted to or approved by the Corporation, the Corporation may specify that any one of such employers shall be treated as the employer for the purposes of the provisions of the Act and the regulations relating to contributions, and in such a case the contribution for any week shall fall due on the last day of the week on which an employee was employed by the employer so specified.

39. *Reckoning of wages of employee employed by two or more employers in the same week.*—Where an employee is employed by an employer for only a part of the week, or where an employee is employed by two or more employers in a week, only the wages payable to him for the days upto and including the day on which the contribution falls due for that week shall be taken into account in reckoning wages for the purposes of determining the average daily wages of the employee for that week.

40. *Refund of Contribution erroneously paid.*—(1) Any contribution paid by a person under the erroneous belief that the contributions were payable by that person under the Act may be returned without interest by the Corporation to that person, if application to that effect is made in writing within twelve months from the day of payment.

(2) In calculating the amount of any repayment to be made under this regulation there may be deducted the amount, if any, paid to any person by way of benefit on the basis of the contribution erroneously paid and for the repayment of which the application is made.

41. *Allowance for destroyed Contribution Stamps.*—Subject to such conditions as the Corporation may lay down and to the production of such evidence by way of affidavit or otherwise as the Corporation may require, allowance may be made by the Corporation for a contribution stamp which has been inadvertently and

undesignedly destroyed, spoiled or rendered unfit for use and has not in the opinion of the Corporation been affixed to any material, provided that the application for relief is made within six months after the contribution stamp has been destroyed, spoiled or rendered useless.

42. *Nature of Allowance.*—In a case in which allowance is made for destroyed, spoiled or misused contribution stamps, the Corporation may give in lieu thereof other contribution stamps of the same denomination and value, or if necessary and if it thinks proper, contribution stamps of any other denomination to the same amount in value, or, in its discretion, the same value in money deducting therefrom one anna per rupee as the cost of production and sale of such stamps.

43. *Unused Contribution Stamps.*—Where any person is possessed of a contribution stamp which has not been spoiled or redered unfit or useless for the purpose intended, but for which he has no immediate use, the Corporation shall repay to him the value of the contribution stamp in money, upon his delivering up the contribution stamp to be cancelled, and proving to the satisfaction of the Corporation that it was purchased by him from some person duly appointed to sell and distribute contribution stamps within the period of two years next preceding the application and with a *bona fide* intention to use it.

CHAPTER III.

CASH BENEFITS.

CLAIMS.

44. *Claim for benefits.*—Every claim for a benefit payable under the Act shall be made in writing, in accordance with these regulations, to the appropriate Local Office on the form appropriate for the purpose of the benefit for which the claim is made, or in such other manner as the appropriate office may, subject to its being in writing, accept as sufficient in the circumstances of any particular case or class of cases. Assistance for filling in the form of claim in case of insured persons who cannot do so themselves shall be provided at the Local Offices of the Corporation.

45. *When claim becomes due.*—A claim for any benefit under the Act shall for the purposes of section 80 of the Act, become due on the following days :—

(*a*) for sickness benefit or for disablement benefit for temporary disablement for any period, on the date of the issue of the medical certificate in respect of such period : provided that in cases where a waiting period is required the due date shall be deferred by the number of days of such waiting period ;

(*b*) for maternity benefit, on the date of issue, in accordance with these regulations, of the certificate of expected confinement or on the day six weeks preceding the expected date of confinement so certified, whichever is later or, if no such certificate is issued, on the date of confinement ;

(*c*) for disablement benefit for permanent disablement, on the date on which an insured person is declared as permanently disabled in accordance with these regulations ; and

(*d*) for dependants' benefit, on the date of the death of the insured person in respect of whose death the claim for such benefit arises or the date from which a beneficiary becomes entitled to a claim, as the case may be.

46. *Availability of claim forms.*—Claim forms shall be available to intending claimants from such persons and such officers of the Corporation as it may appoint or authorise for that purpose, and shall be supplied free of charge.

47. *Claim on wrong form.*—Where a claim for any benefit has been made on an approved form other than the form appropriate to the benefit claimed, the Corporation may treat the claim as if it was made on the appropriate form: provided that the Corporation may in any such case require the claimant to complete the appropriate form.

48. *Evidence in support of claim.*—Every person who makes a claim for any benefit shall in addition to the medical certificate and other forms specifically required under these regulations, furnish such other information and evidence for the purpose of determining the claim as may be required by the appropriate office, and if reasonably so required, shall for that purpose attend at such office or place as the appropriate office may direct.

49. *Defective claim.*—If, in the absence of due signature or of due certification, a claim is defective on the date of its receipt by an office of the Corporation, the office of the Corporation may in its discretion, refer the claim to the claimant and if the form is returned duly signed and/or certified within three months from the date on which it was so referred, the office may treat the claim as if it had been duly made in the first instance.

50. *Claim for inappropriate benefit.*—Where it appears that a person who has made a claim for any benefit payable under the Act, may be entitled to a benefit other than that which he has claimed, any such claim may be treated as a claim in the alternative for that other benefit.

51. *Authority for certifying eligibility of claimants.*—The authority which is to certify the eligibility of claimants shall be the appropriate Local Office, in respect of maternity and temporary disablement benefits and the appropriate Regional Office, in respect of permanent disablement benefits.

52. *Benefits when payable.*—(1) Any benefit payable under the Act shall be paid—

(*a*) in the case of sickness benefit not later than seven days;

(*b*) in the case of the first payment in respect of maternity benefit or temporary disablement benefit, not later than one month;

(*c*) in the case of the first payment in respect of permanent disablement or dependants' benefits, not later than six months

after the claim therefor together with the relevant medical or other certificates and any other documentary evidence which may be called for under these regulations has been furnished to the appropriate office.

(2) Second and subsequent payments in respect of any maternity, temporary disablement, permanent disablement or dependants' benefit shall be paid along with the first payment in respect thereof, or within the calendar month following the month to the whole or part of which they relate, whichever is later subject to production of any documentary evidence which may be required under these regulations.

(3) Where a benefit payment is not made within the time limits specified in sub-regulations (1) and (2) above, it shall be reported to the Insurance Commissioner and shall be paid as soon as possible.

(4) Benefits under the Act shall be paid in cash at a Local Office or at the option of the claimant by means of postal money orders or other orders payable through a post office, or by any other means which the appropriate office may in the circumstances of any particular case consider appropriate.

(5) Where the payment of a benefit is to be made at a Local Office, such office may insist upon the production of the Identity Card or other document issued in lieu thereof in respect of the insured person.

CERTIFICATION AND CLAIMS FOR SICKNESS AND TEMPORARY DISABLEMENT.

53. *Evidence of sickness and temporary disablement.*—Every insured person, claiming sickness benefit or disablement benefit for temporary disablement, shall furnish evidence of sickness or temporary disablement in respect of the days of his sickness or temporary disablement by means of a medical certificate given by an Insurance Medical Officer in accordance with these regulations in the form appropriate to the circumstances of the case:

Provided that the Corporation may accept any other evidence of sickness or temporary disablement if in its opinion the circumstances of any particular case so justify.

54. *Persons competent to issue medical certificate.*—No medical certificate under these regulations shall be issued except by the Insurance Medical Officer to whom an insured person has been allotted or by an Insurance Medical Officer attached to a dispensary, hospital, clinic or other institutions to which an insured person is allotted and such Insurance Medical Officer shall examine and if in his opinion the condition of the insured person so justifies, issue to such insured person free of charge, any medical certificates reasonably required by such insured person under or for the purposes of the Act or any other enactment or these regulations:

Provided that an Insurance Medical Officer may issue a medical certificate under these regulations to an insured person who is not allotted to him or to the dispensary, hospital, clinic or other institution to which he is attached, if such officer is satisfied that in the circumstances of any particular case the insured person cannot reasonably be expected to get medical benefit from the Insurance Medical Officer or the dispensary, hospital, clinic or other institution to which such insured person has been allotted; and such certificate also shall be issued free of charge:

Provided further that an insured person shall not be granted a medical certificate unless he produces to the Insurance Medical Officer his Identity Card or such other "document", as under these regulations, may have been issued in lieu thereof.

55. *Medical Certificate.*—The appropriate form of a medical certificate shall be filled in ink by the Insurance Medical Officer in his own hand-writing and shall contain a concise statement of the disease or disablement which in the opinion of the Insurance Medical Officer necessitates absention from work on medical grounds or renders the person temporarily incapable of work. The statement of the disease or disablement in the medical certificate shall specify the nature thereof as precisely as the Insurance Medical Officer's knowledge of the condition of the insured person at the time of the examination permits.

56. *Time of granting medical certificate.*—(*a*) An Insurance Medical Officer shall give the medical certificate to an insured person at the time of the examination to which it relates; where he is prevented from so doing he shall send the certificate to the insured person within twenty-four hours thereafter.

(b) No further medical certificate relating to the same examination shall be issued, except where a duplicate of such certificate is required, in which case it shall be issued free of charge and clearly marked "Duplicate".

57. *Medical Certificate on first Examination.*—Where the examination is the first examination in respect of a spell of sickness or a spell of temporary disablement, the medical certificate shall be in the form of a first certificate (Form 8) and shall be only in respect of the date of the examination.

58. *Final medical certificate.*—If at the date of the examination to which a medical certificate other than a first certificate relates, the insured person in the opinion of the Insurance Medical Officer is, or will become on a date not later than the third day after that date, fit to resume work, that certificate shall be in the form of a final certificate. (Form 9).

59. *Intermediate certificates.*—If the final certificate is not issued within seven days of the date of the first certificate, an insured person shall, except where the case is covered by regulation 61, submit certificates in the form of intermediate certificates (Form 10) at intervals of not more than seven days each, commencing from the date of the first certificate.

60. *Final medical certificate before commencing work for wages.*—Every insured person shall obtain a medical certificate in the form of a final certificate before he takes up any work for wages.

61. *Intermediate certificate where temporary disablement likely to continue for a longer period.*—Where temporary disablement has continued for not less than twenty-eight days and the Insurance Medical Officer is satisfied that such disablement is likely to continue for a long period and that, owing to the nature of the disablement, examination and treatment at intervals of more than one week will be sufficient, the insured person may, unless otherwise directed by the appropriate office, furnish medical certificates in the form of special intermediate certificates (Form 11) at intervals of such longer periods not exceeding four weeks as may be specified by the Insurance Medical Officer.

62. *Certified sickness.*—Sickness in respect of any periods shall be deemed to be duly certified for the purposes of section 48 of the Act, provided that medical certificates in respect of such periods are issued in accordance with these regulations and such certificate is submitted to the appropriate Local Office by post or otherwise within fourteen days of the date of its issue.

63. *Form of Claim for sickness or temporary disablement.*—An insured person intending to claim sickness benefit or disablement benefit for temporary disablement shall submit to the appropriate Local Office by post or otherwise, a claim for benefit in one of the Forms 12, 13 and 14, appropriate to the circumstances of the case together with the appropriate medical certificate.

64. *Failure to submit medical certificate.*—If a person who intends to claim sickness benefit or disablement benefit for temporary disablement fails to submit to the appropriate Local Office by post or otherwise the first medical certificate or any subsequent medical certificate within a period of three days from the date of issue of such certificate, he shall not be eligible for that benefit in respect of any period (i) in the case of a first certificate, more than three days before the date on which the certificate is submitted to the appropriate Local Office; (ii) in the case of a subsequent certificate, more than fourteen days before the date on which such subsequent certificate is submitted to the appropriate Local Office.

DISABLEMENT BENEFIT.

65. *Notice of accident.*—(i) Every insured person who sustains personal injury caused by accident arising out of and in the course of his employment in a factory or establishment shall give notice of such injury either in writing or orally, as soon as practicable after the happening of the accident:

Provided that any such notice required to be given by an insured person may be given by some other person acting on his behalf.

(ii) Every such notice shall be given to the employer or to a foreman or to other official under whose supervision the insured person is employed at the time of the accident or any other person designated for the purpose by the employer and shall contain the appropriate particulars.

(iii) Any entry of the appropriate particulars of the accident made in a book kept for that purpose in accordance with the next following regulation shall, if made as soon as practicable after the happening of the accident by the insured person or by some other person acting on his behalf, be sufficient notice of the accident for the purposes of these regulations.

(iv) In this regulation and the next following regulation, the expression 'appropriate particulars' means the particulars indicated below—

(*a*) Full name, Insurance Number, sex, age, address, occupation, department and shift of the injured person;
(*b*) Date and time of accident;
(*c*) Place where accident happened;
(*d*) Cause and nature of injury;
(*e*) Name, address and occupation of the person giving the notice, if he is other than the injured person;
(*f*) A statement of what exactly the injured person was doing at the time of injury;
(*g*) Names, addresses and occupation of two persons who were present at the spot when accident happened; and
(*h*) Remarks if any.

66. *Maintenance of accident book.*—Every employer shall—

(i) keep a book readily accessible (hereinafter called 'the Accident Book') in Form 15, in which the appropriate particulars of any accident causing personal injury to an insured person may be entered;
(ii) preserve every such book when it is completed for a period of five years from the date of the last entry thereon.

67. *Notice otherwise than by an entry in accident book.*—If notice of an employment injury under regulation 65 is given otherwise than by an entry in the Accident Book it shall be the duty of the employer or any other person to whom such notice is given under that regulation to make an aprropriate entry in the book in respect of the accident to which the notice relates immediately after such notice is received, and where the notice is received otherwise than in writing read over the particulars to the person who gives the notice and obtain his signature or thumb impression on the Accident Book.

68. *Report of accident by an employer.*—Every employer shall send a report in Form 16 to the nearest Local Office and the nearest Insurance Medical Officer—

(i) immediately, if the injury is serious, *i.e.*, it is likely to disable the person for 48 hours or more, and

(ii) in any other case within 24 hours after the receipt of the notice under regulation 65 or of the time when the accident came to the notice of the employer or of a foreman or other official under whose supervision the insured person was employed at the time of the accident or any other person designated for the purpose by the employer :

Provided that in case of a serious injury, and particularly when the injury results in death at the place of employment, the report to the Insurance Medical Officer and the Local Office shall be sent through a special messenger, or otherwise, as speedily as may be practicable under the circumstances :

Provided further that where a report of the accident is made by the employer under the Factories Act, 1948, the report to the Local Office and to the Insurance Medical Officer may be made in the same form as is prescribed under the Factories Act, 1948, provided that all the additional information required under Form 16 is added thereto.

69. *Employer to arrange for first aid.*—Every employer shall arrange for such first aid and medical care and transport for obtaining such aid and care as the circumstances of the accident may require till the injured person is seen by the Insurance Medical Officer and such employer shall be entitled to re-imbursement in respect of expenses thereby incurred by him but not exceeding such scale of expenses as may be specified by the Corporation from time to time :

Provided that if the employer is required to provide such medical aid free of charge under any other enactment, he shall not be entitled to any re-imbursement of expenses.

70. *Employer to furnish further particulars of accident.*—Every employer shall furnish to the appropriate office such further information and particulars of an accident and within such time as the said office may, in writing, require.

71. *Directions by the Corporation.*—Every claimant for and every beneficiary in receipt of disablement benefit shall comply with every direction given to him by the appropriate Regional Office which requires him either—

(i) to submit himself to a medical examination by such medical authority as may be appointed by that office for the purpose of determining the effect of the relevant employment injury or the treatment appropriate to the relevant injury or loss of faculty, or

(ii) to attend any vocational training courses or industrial rehabilitation courses provided by any institution maintained by any Government, local authority or any public or private body recognised for the purpose by the Corporation and considered appropriate by it in his case.

72. *Reference to a Medical Board.*—Any question as to whether disablement occurring as a result of an employment injury sustained by an employee should be treated as permanent disablement within the meaning of section 51 of the Act shall be referred to the appropriate Medical Board constituted under regulation 75. Such reference to the Medical Board may be made—

(*a*) at any time by the appropriate Regional Office at the instance of the disabled person or the employer or any recognised employees' union ; or

(*a*) by the Corporation

(i) at any time, on the recommendation of an Insurance Medical Officer, and

(ii) on its own initiative, after the expiry of the period of twenty-eight days from the first date on which the claimant was rendered incapable of work by the relevant employment injury.

73. *Report of Medical Board.*—The Medical Board shall after examining the disabled person, submit its report to the appropriate Regional Office making recommendations as to—

(i) whether the disablement should continue to be treated as temporary and if so, the next date when the case should again be referred to the Medical Board;

(ii) whether the disablement can be declared to be of a permanent nature and, if so, whether the extent of loss of earning capacity can be assessed provisionally or finally;

(iii) the assessment of the proportion of the loss of earning capacity whether provisional or final; and

(iv) in case of provisional assessment, the period for which such assessment shall hold good:

Provided that the assessment of a disablement due to an employment injury not restricted to one or more of the injuries listed in Schedule I of the Workmen's Compensation Act, 1923 (VIII of 1923) shall be treated as provisional. Any such assessment may be referred to a Medical Board for review by the appropriate Regional Office at any time after the expiry of twelve months from the date of the last assessment.

The disabled person shall be informed in writing of the recommendations of the Medical Board, the decision of the appropriate Regional Office thereon and the benefit, if any, which the disabled person shall be entitled.

74. *Appeal against decisions of Medical Board.*—(i) If the Corporation or a disabled person is dissatisfied with the recommendations of a Medical Board the Corporation or the disabled person may appeal against such recommendations by giving notice of appeal to the other party within three months of the date of communication of the said recommendations.

(ii) A notice of appeal shall be in writing and shall contain a statement of the grounds upon which the appeal is made.

(iii) The appeal shall lie to an Appeal Tribunal constituted under regulation 76.

75. *Constitution of Medical Boards.*—Medical Boards for the purposes of these regulations shall be constituted by the State Government and shall consist of such persons, have such jurisdiction and follow such procedure as the State Government in consultation with the Corporation may, from time to time, decide.

76. *Appeal Tribunals.*—An Employees' Insurance Court shall constitute the Appeal Tribunal for the purposes of regulation 74 and for such purpose, it shall be assisted by the following persons to be selected by it as assessors:—

(*a*) One or more medical experts;

(*b*) One or more officials of or members from a trade union or unions.

DEPENDANTS' BENEFIT

77. *Report of death of insured person by employment injury.*—In case of death of an insured person as a result of an employment injury—

(*a*) if the death occurs at the place of employment the employer shall, and

(*b*) if the death occurs at any other place, a dependant including to claim dependants' benefit shall, or,

(*c*) any other person present at the time of death may

immediately report the death to the nearest Local Office and to the nearest dispensary, hospital, clinic or other institution where medical benefit under the Act is available.

78. *Disposal of body of an insured person dying by employment injury.*—Where an insured person dies as a result of an employment injury sustained as an employee under the Act, the body of the insured person shall not be disposed of until the body has been examined by an Insurance Medical Officer, who will also arrange a post-mortem examination, if considered necessary, in co-operation with any other existing agency :

Provided that if an Insurance Medical Officer is unable to arrive for the examination within 12 hours of time of the report to him, the body may be disposed of after obtaining a certificate from such medical officer or practitioner as may be available.

79. *Issue of death certificate.*—An Insurance Medical Officer attending the disabled person at the time of his death or the Insurance Medical Officer who examines the body after the death or the Medical Officer who attended the insured person in a hospital or other institution where such disabled person died, shall issue free of charge a death certificate in Form 17 to the dependants of the deceased and shall send a report to the appropriate Regional Office.

80. *Submission of claim for dependants' benefit.*—(1) A claim for dependants' benefit shall be submitted to the appropriate Local Office by post or otherwise in Form 18 by the dependant or dependants concerned or by their legal representative or, in case of a minor, by his guardian, and such claim shall be supported by documents proving—

(i) that the death is due to an employment injury ;
(ii) that the person claiming is a dependant entitled to claim as provided in paragraph 4 or 5, as the case may be, of the Second Schedule to the Act ;
(iii) the age of the claimant :

Provided that where the appropriate Regional Office is satisfied about the *bona-fides* of the applicant or about the truth of the facts relating to any of the matters mentioned above, one or more of the documents may be dispensed with.

(2) The following may be accepted as proof of age :—

(*a*) Certified extract from an official record of births showing the date and place of birth and father's name ;
(*b*) Original horoscope prepared soon after birth ;
(*c*) Certified extract from baptismal register ;
(*d*) Certified extract from school records showing the date of birth and father's name ;
(*e*) Such other evidence as may be acceptable to the appropriate Regional Office in the circumstances of a particular case.

81. *Notice for dependants' benefit.*—On receipt of a claim or claims for dependants' benefit in respect of the death of an insured person and, after making such enquiries as may be necessary about the circumstances and cause of death and about all persons, who may be entitled to dependants' benefit, the appropriate Regional Office shall issue by registered post such other persons, if any, as appear on enquiry, to be entitled to dependants' benefit, and who have not yet submitted a claim for such benefit a notice for submission of claim for dependants' benefit within a period of thirty days from the date of such notice. The notice shall indicate *inter alia* the relevant provisions of the Act and regulations and procedure for sub-mission of a claim for dependants' benefit.

82. *Intimation of decision regarding dependants' benefit.*—As soon as possible after the expiry of the period during which claims can be submitted in terms of the notice issued under regulation 81, the appropriate Regional Office shall intimate by

registered post the decision of the Corporation in regard to the claim of each of the dependants in writing to the dependant concerned or to his legal representative, or, in the case of a minor, to his guardian.

83. *Date of accrual of dependants' benefit.*—The dependants' benefit shall accrue from the date of the death in respect of which the benefit is payable.

84. *Review of dependants' benefit.*—(1) The amounts payable as dependants' benefit in respect of the death of any insured person may be reviewed by the appropriate Regional Office at its own initiative, and shall be so reviewed if an application is made to that effect, under any of the following circumstances :—

(*a*) if any of the beneficiaries ceases to be entitled to the dependants' benefit by reason of marriage, re-marriage, death, age or otherwise, or

(*b*) if a fresh dependant is admitted to the claim for dependants' benefit by the birth of a posthumous child, or

(*c*) if, after the previous decision as to the distribution of the dependants' benefit was taken, some facts materially affecting such distribution come to light.

(2) Any review under this regulation shall be made after giving due notice by registered post to each of the dependants, stating therein the reasons for the proposed review and giving them an opportunity to submit objections, if any, to such review.

(3) Subject to the provisions of the Act and these regulations the appropriate Regional Office may, as a result of such review, commence, continue, increase. reduce or discontinue from such date as it may decide the share of any of the dependants.

85. *Declaration by persons in receipt of dependants' benefit.*—The appropriate Regional Office may by notice sent by registered post require a person in receipt of dependants' benefit to submit, and such person shall submit, a declaration, attested by a Magistrate or such other authority as that office may accept in any particular case to the effect that the person is alive and, in case of a widow, that she has not been remarried, and, in case of an unmarried female dependant, that she has not been married:

Provided that such a declaration shall not be required more than once in every six months.

86. *Appointment of another guardian.*—If at any time the appropriate Regional Office is satisfied that a child who is in receipt of dependants' benefit is being neglected by his guardian, not being a guardian appointed under the Guardian and Wards Act, 1890, and the child's share of the dependants' benefit is not being properly spent on his or her maintenance, the appropriate Regional Office may direct that such share may be paid subject to such conditions as it may specify to such other person as it deems fit and as in its opinion would utilise it for the care and maintenance of the child.

MATERNITY BENEFIT.

87. *Notice of pregnancy.*—An insured woman, who decides to give notice of pregnancy before confinement, shall give such notice in Form 19 to the appropriate Local Office by post or otherwise and shall submit, together with such notice, a certificate of pregnancy in Form 20 given in accordance with these regulations on a date not earlier than seven days before the date on which such notice is given.

88. *Claim for maternity benefit commencing before confinement.*—Every insured woman claiming maternity benefit before confinement shall submit to the appropriate Local Office by post or otherwise—

(i) a certificate of expected confinement in Form 21 given in accordance with these regulations, not earlier than fifty days before the expected date of confinement ;

(ii) a claim for maternity benefit in Form 22 stating therein the date on which she ceased or will cease to work for remuneration ; and

(iii) within thirty days of the date on which her confinement takes place, a certificate of confinement in Form 23 given in accordance with these regulations.

89. *Claim for maternity benefit only after confinement.*—Every insured woman claiming maternity benefit after confinement shall submit to the appropriate office by post or otherwise a claim for maternity benefit in Form 22 together with a certificate confinement in Form 23 given in accordance with these regulations.

90. *Other evidence in lieu of a certificate.*-The Corporation may accept any other evidence in lieu of a certificate of pregnancy, expected confinement or confinement by an Insurance Medical Officer, if in its opinion, the circumstances of any particular case so justify.

91. *Notice of work for remuneration.*—Every insured woman who has claimed maternity benefit shall give notice in Form 24 if she does work for remuneration on any day during the period for which maternity benefit would be payable to her but for her working for remuneration.

92. *Date of payment of maternity benefit.*—Maternity benefit shall be payable from the date from which it is claimed provided that such date does not precede the expected date of confinement by more than forty-two days, and that no work is undertaken for remuneration.

93. *Disqualification for maternity benefit.*—An insured woman may be disqaulified from receiving maternity benefit if she fails without good cause to attend for or to submit herself to medical examination when so required ; and such disqualification shall be for such number of days as may be decided by the authority authorised by the Corporation in this behalf :

Provided that a woman may refuse to be examined by other than a female doctor or midwife.

94. *Authority which may issue certificate*—No certificate of pregnancy, of expected confinement or of confinement required under these regulations shall be issued except by the Insurance Medical Officer to whom the insured woman has been allotted or by an Insurance Medical Officer attached to a dispensary, hospital, clinic or other institution to which the insured woman is allotted, and such Insurance Medical Officer shall examine and if in his opinion the condition of the woman so justifies issue to such insured woman free of charge any such certificate when reasonably required by such insured woman under or for the purposes of the Act or any other enactment or these regulations :

Provided that such officer may issue a certificate of pregnancy, expected confinement or confinement under these regulations to an insured woman who is not allotted to him or to the dispensary, hospital, clinic or other institution to which such officer is attached, if such officer is attending the woman for prenatal care or for confinement :

Provided further that a certificate of pregnancy, of expected confinement or of confinement required under these regulations may be issued by a registered midwife which shall be accepted by the Corporation on counter signature by the Insurance Medical Officer.

95. *Obligations of Insurance Medical Officer.*—Nothing in these regulations shall relieve an Insurance Medical Officer to whom an insured woman has been allotted, or an Insurance Medical Officer attached to the dispensary, hospital, clinic or other institution to which an insured woman is allotted of the obligation to examine and if in his opinion the condition of the woman so justifies, issue free of charges a certificate of pregnancy, of expected confinement or of confinement during any period in which such insured woman is obtaining treatment or attendance from any other person or from any other hospital or institution.

CHAPTER IV.

MISCELLANEOUS.

96. *Authority for determining benefits.*—The authority for determining for purposes of sub-section (2) of section 70 of the Act, the value of benefits other than cash payment shallbe the Medical Commissioner of the Corporation.

97. *Discontinuation or reduction of benefits.*—An employer may discontinue or reduce benefits payable to his employees under condition of their service which are similar to the benefits conferred by the Act to the extent specified below, namely :—

(*a*) from the date of the commencement of the first benefit period following the appointed day for his factory or establishment—

(i) sick leave on half pay to the full extent ;

(ii) such proportion of any combined general purposes and sick leave on half pay as may be assigned as sick leave but in any case not exceeding 50 per cent of such combined leave;

(*b*) any maternity benefits granted to women employees to the extent to which such women employees may become entitled to the maternity benefit under the Act :

Provided that where an employee avails himself of any leave from the employer for sickness, maternity or temporary disablement, the employer shall be entitled to deduct from the leave salary of the employee the amount of benefit to which he may be entitled under the Act for the corresponding period.

98. *Discharge, etc., of employee under certain conditions.*—If the conditions of service of any employee so allow, an employer may discharge or reduce on due notice an employee—

(i) who has been in receipt of disablement benefit for temporary disablement, after he has been in receipt of such benefit for a continuous period of six months or more ;

(ii) who has been under medical treatment for sickness or has been absent from work as a result of illness duly certified in accordance with these regulations to arise out of the pregnancy or confinement rendering the employee unfit for work, after the employee has been under such treatment or has been absent from work for a continuous period of six months or more.

I hereby declare that the above particulars have been given by me and are correct to the best of my knowledge and belief.

Place.....

Date.....

.....

Signature or thumb impression of the employee.

Department of Factory.....
Shift No., if any.....
Countersigned.....
Designation.....

.....

Signature of Assistant, if any, who filled the form.

Name, Address and Code No. of employer.....
.....

CUT HERE

Receipt for Identity Card.

Received Identity Card : Insurance No. [ ]

Date.....

.....

Signature or thumb impression of the insured person.

FORM 2.

(Regulation 13).

CONTRIBUTION CARD.

Insurance No.

Distinguishing No. ..... allotted by the employer, if any ..... Department .....
Shift, if any .....

Employer's Code No. ..... Occupation .....
Name ..... Sex .....
Father's/Husband's Name .....

Warning.—Any person who removes a stamp from this Card or makes use of a stamp removed from a Card is liable to prosecution

Summary of Stamps affixed/or contribution paid.

Group	Value of each stamp	No. of Stamps	Total value of stamps (2)×(3)	Assumed average wage for the group	Total assumed wage (3)×(5)
1	2	3	4	5	6
1. ...	0 7 0			0 14 0	
2. ...	0 9 0			1 4 0	
3. ...	1 12 0			1 12 0	
4. ...	1 2 0			2 8 0	
5. ...	2 8 0			3 8 0	
6. ...	2 1 0			5 0 0	
7. ...	2 13 0			7 0 0	
8. ...	3 12 0			10 0 0	
Total ...					

Checked and found correct.*

....

Signature of Employer or his assistant — Regional Office.

* Not to be entered by the employer.

99. *Suspension of sickness or temporary disablement benefit.*—Sickness benefit or disablement benefit for temporary disablement may be suspended, if a person who is in receipt of such benefit fails to comply with any of the requirements of section 64 of the Act, and such suspensions shall be for such number of days as may be decided by the authority authorised by the Director-General in this behalf.

100. *Relaxation.*—The Director-General may by special or general order relax any regulation under such circumstances and subject to such conditions, as he may deem fit.

101. *Appointment of sick visitors.*—The Corporation may appoint sick visitors for the purpose of visiting insured persons who are sick or who are or may become entitled to sickness, maternity or disablement benefit:—

Provided that a female insured person shall not be visited otherwise than by a woman.

102. *Certain officers to have powers of inspection.*—The Director-General, the Insurance Commissioner, a Deputy Insurance Commissioner, a Regional Director, a Deputy Regional Director, an Insurance Officer and an Assistant Insurance Commissioner shall have all the powers of an Inspector specified in sub-section (2) of section 45 of the Act. In addition to the officers mentioned above, the Director-General may, by a written order confer upon any employee of the Corporation or any Government officer the powers of an Inspector for such period or periods as he may think fit.

103. *Medical benefit during disablement.*—A person who is in receipt of disablement benefit shall be entitled to medical benefit while he is in receipt of such benefit:

Provided that after the disablement has been declared as a permanent disablement, the person shall not be entitled to medical benefit, if he is not otherwise entitled to such benefit, except in respect of any medical treatment which may be rendered necessary on account of the employment injury from which the disablement resulted.

104. *Production of document for medical benefit.*—A person intending to claim medical benefit, and who is otherwise entitled to such benefit, shall produce his Identity Card or such other document as may have been issued in lieu thereof at the time of claiming such benefit if demanded by the Insurance Medical Officer and if he fails to do so medical benefit may be refused to him.

105. *Further certificates.*—Where any question arises as to the correctness of any certificate by virtue of which an insured person claims, or is entitled to, any benefit under the Act, he shall, on receipt of not less than three clear days' notice in writing given by the appropriate office submit himself, with a view to obtaining a further certificate, to medical examination by such medical authority as the Corporation may appoint in this behalf. If there is any difference between the certificate so obtained and the original certificate, the right to benefit may be determined as if the original certificate agreed with the further certificate.

106. *Change of circumstances to be notified.*—Every person to whom any benefit is payable under the Act shall, as soon as may be practicable, notify the appropriate office of any change of circumstances which he may be expected to know and which might affect the continuance of his right to receipt of such benefit.

FORM 1.

(Regulations 11 & 12).

DECLARATION FORM.

(Set.....)

Serial No.
in return
in Form 3.....

Insurance No.

Employer's Code No.

Photograph of the insured person

1. Name.....
   (In block capitals)
2. Caste..... .....3. Sex.....
4. Marital Status.....
   (State whether bachelor, spinster, married, widow or widower)
5. Father's Name.....
   or
   Husband's Name.....
   (For married woman only)
6. (*a*) Age.....Years.
   (*b*) Year of Birth.....
7. Present residential address (in full).....
   .....
8. Permanent home address (in full) .....
   .....
9. Dispensary ..... 10. Local Office.....
   (State the names of dispensary and local office to which the employee wishes to be attached).

CUT HERE

TEMPORARY IDENTIFICATION CERTIFICATE

Dispensary.....Local Office.....

Full Name..... Age..... Years.....

Signature of Manager
or other Officer of the Employer..... *Name* } .....
Designation ..... *Address and* } .....
Date..... *Code No.* } .....

I hereby nominate..... S/W/D of .....
of..... (Address)
to receive payment under Section 71 of any benefit that may be due to me at the time of my death.

I affirm that I have NOT been previously insured under the Act and no Identity Card has been issued to me.

FORM 5.

(Regulation 22).

RECEIPT FOR CONTRIBUTION CARD.

Book No.
Receipt No.
Employer's Name
Code No.

Particulars of Card retained

Name of Employee Insurance No.....

Contribution period from to

Particulars of values of stamps affixed and dates of cancellation.

Weeks and Dates				Total No. of Stamps.
				Total value of Stamps.
.....	.....	.....	.....	Date
.....	.....	.....	.....	

Signature of Inspector or

Authorised Official.

In duplicate

FORM 6.

(Regulation 26)

RETURN OF CONTRIBUTION CARDS.

1. Name and address of the Factory or Establishment.....
2. Employer's Code Number.....

I send herewith Contribution Cards in respect of the undermentioned insured persons. I hereby declare that this return includes every employee to whom the contribution period to which this return relates, applies and that the Cards have been correctly stamped / Contribution shown on the cards have actually been paid in accordance with the provisions of the Act and the regulations relating to the payment of contributions and affixing stamps.

Place..... Signature .....

Date..... Designation .....

Serial No.	Name of the Insured person	Insurance Number	Paid Contributions shown on Cards	
			No.	Value

Signature.....

FORM 3.

(Regulation 14)

RETURN OF DECLARATION FORMS.

Name and address of the Factory or Establishment.....

.....

Employer's Code Number

I send herewith the Declaration Forms in respect of the employees mentioned below. I hereby declare that every person employed as an employee within the meaning of section 2(9) of the Employees' State Insurance Act, 1948, on ..... in this factory or establishment and in receipt of a remuneration not exceeding Rs. 400 per month has been included in this list (excepting only those in respect of whom declarations have been sent to the Corporation in the past.)

Place..... Signature.....

Date..... Designation.....

Serial No.	Name of the employee	Distinguishing No. with the employer, if any	Father's or Husband's name	Insurance No. allotted by the Corporation (to be entered at the Regional Office)
1	2	3	4	5

Signature.....

Designation.....

Enclosures.—

Declaration Forms.....

Continuation sheets.....

FORM 4.

(Regulation 17).

IDENTITY CARD

Insurance No.

Name.....Sex.....
S/O — D/O.....
W/O
Year of birth.....
Address.....
.....
.....
Dispensary.....
.....
Local Office .....
.....

Photograph of the insured person

Employment Changes

Date	Code No.	Date	Code No.

Prepared by

Signature or thumb impression of the employee.

CONFIDENTIAL

FORM 9.

(Regulation 58).

FINAL CERTIFICATE.

Book No.....

Serial No.....

Stamp of the Dispensary

To..... Insurance No.

Date of first certificate of spell of sickness or disablement .....

I certify that I have examined you today and that in my opinion you have continued to need medical treatment and attendance and abstention from work on medical grounds upto and including this day by reason of ..... Cause group No. .....

In my opinion you will be fit to resume work tomorrow/on ..... Date .....

Signature.....

Insurance Medical Officer.

(Rubber stamp or name in block letters).

Any other remarks by the Medical Officer .....

CONFIDENTIAL

FORM 10.

(Regulation 59).

INTERMEDIATE CERTIFICATE.

Book No. .....

Serial No. .....

To .....

Stamp of the Dispensary.

Insurance No.

Date of First Certificate of spell of sickness or disablement .....

I certify that I have examined you today and that in my opinion you have continued to need medical treatment and attendance and abstention from work on medical grounds, upto and including this day by reason of .....

Date..... Signature .....

Insurance Medical Officer,

(Rubber stamp or name in block letters).

Any other remarks by the Medical Officer .....

FORM 7.

(Regulation 27).

RETURN OF EMPLOYMENT *

Employer's Code No.

For the contribution period ending .....
Name and.....
Address of the employer.....

Wage Period†	Total No. of employees employed at any time during the last week of the above contribution period and on a remuneration which in the aggregate does not exceed Rs. 400 per month.			Amount of wages and salaries of such employees in respect of the last wage period † of the above contribution period			Remarks, if any.
	Males	Females	Total	Rs.	As.	Ps.	
Daily ...							
Weekly ...							
Fortnightly ...							
Monthly ...							
Otherwise ...							
Total ...							

I hereby declare that the particulars given above are true and correct to the best of my knowledge and information.

Date.....

.....
Signature and designation.

N.B.—* The return should include information in respect of *all* employees irrespective of any contribution period allotted to them.

† 'Wage period' means the intervals at which wages or salaries are paid, *i.e.*, day, week, fortnight, month or other period (Other wage period, if any, should also be clearly indicated, *e.g.*, after every so many days, etc.,

CONFIDENTIAL

Stamp of the Dispensary.

FORM No. 8.

(Regulation 57).

FIRST CERTIFICATE.

Book No.....

Serial No.

To.....Insurance No.

I certify that I have examined you today and that in my opinion you now need medical treatment and attendance and abstention from work on medical grounds by reason of.....

.....

Date .....

Signature .....

Insurance Medical Officer.

(Rubber stamp or name in block letters).

Any other remarks by the Medical Officer .....

.....

FORM 13.

(Regulation 63).

SICKNESS OR TEMPORARY DISABLEMENT BENEFIT.
CLAIM FOR BENEFIT.

I ..... s/w/d of .....

Insurance No. [ ] [ ] declare that, because of sickness/ temporary disablement, I have not been at work since the date of the last certificate sent to you.

I claim benefit accordingly.

Date ....

Signature or thumb impression.

Present address .....

IMPORTANT :—

1. This form should be completed and sent *WITHOUT DELAY* to the appropriate Local Office.
2. The insured person should obtain a Final Certificate before resuming work.
3. Any person who makes a false statement or representation for the purpose of obtaining benefit whether for himself or for some other person renders himself liable to prosecution.

FORM 14.

(Regulation 63).

SICKNESS OR TEMPORARY DISABLEMENT BENEFIT.

CLAIM FOR BENEFIT.

I ..... s/w/d of .....

Insurance No. declare that,

because of sickness/temporary disablement, I have not been at work since the date of the last certificate sent to you.

I no longer claim to be sick/temporarily disabled from ..... day of ..... 19 ; and I shall/did not take up any work for remuneration before that day. I claim benefit accordingly.

Date ....

Signature or thumb impression.

Present Address .....

.....

IMPORTANT.—Any person who makes a false statement or representation for the purpose of obtaining benefit whether for himself or for some other person renders himself liable to prosecution.

CONFIDENTIAL

FORM 11.

(Regulation 61).

SPECIAL INTERMEDIATE CERTIFICATE.

Stamp of the Dispensary.

Book No. .....

Serial No. .....

To ..... Insurance No.

Date of the first certificate of spell of sickness or disablement .....

I certify that I have examined you today and that in my opinion you have continued to need medical treatment and have remained incapable of work upto and including this day by reason of .....

I further certify that, judging from your present condition your incapacity (injury) is of such a character that it will be unnecessary to see you for the purpose of treatment more frequently than once in ..... weeks, and you will require medical treatment and will remain incapable in work at least up to the end of ..... weeks from this date.

I propose to issue certificates in this form at the intervals stated above so long as your condition does not require more frequent attendance.

In my opinion you* should now / need not yet be referred to a Medical Board to determine if you are permanently disabled.

Date..... Signature .....

Insurance Medical Officer.

(Rubber stamp or name in block letters).

Any other remarks by the Medical Officer .....

.....

*Strike off that which is not necessary.

FORM 12.

(Regulation 63).

SICKNESS OR TEMPORARY DISABLEMENT BENEFIT.

CLAIM FOR BENEFIT.

I ..... s/w/d of .....

Insurance No. [ ] hereby state

that I was certified sick/temporarily disabled from .....
A.M./P.M. on the ..... day of ..... .19, and I have not been at work since ..... A. M./P.M. on the ..... day of ..... 19 .....

I claim benefit accordingly.

Present employer ..... Department .....
Last Occupation ..... Shift, if any .....

Present Address .....
.....

Date ....
Signature or thumb impression.

Accident cases only.

Date, time and place of accident .....

If a notice of the accident has *NOT* been given to the employer, state briefly on a separate paper how the accident happened.

Date ....
Signature or thumb impression.

IMPORTANT:—

1. Any person who makes a false statement or representation for the purpose of obtaining benefit whether for himself or for some other person renders himself liable to prosecution.
2. This form should be completed and sent *WITHOUT DELAY* to the appropriate Local Office.
3. Before resuming work a Final Certificate must be obtained.

FORM 15.

(Regulation 66).

ACCIDENT BOOK.

Serial No.	Date of notice.	Time of notice.	Name and address of the injured person.	Sex.	Age.	Insurance No.	Shift, Department and Occupation of employee.	Date.	Time.	Place.	Cause of injury.	Nature of injury.	What exactly was the injured person doing at the time of injury.	Name, occupation, address and signature or the thumb impression of the persons giving notice.	Signature and designation of the person who makes the entry.	Name, address and occupation of two witnesses.	Remarks if any.
								Injury.									
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18

FORM 16.

(Regulation 68).

ACCIDENT REPORT FROM EMPLOYER.

1. Name of employer.
2. Employer's Code No.
3. Address of premises where accident happened.
4. Nature of Industry.
5. Department, Shift (if any) and exact place where the accident happened.
6. Name of the injured person.
7. Insurance No.
8. Address of the injured person.
9. (a) Sex, (b) Age (last birthday), (c) Occupation of injured person. (a) (b) (c)
10. Date and hour of accident.
11. Hour at which he started work on day of accident.
12. *Cause of accident*—
    (a) If caused by machinery—
        (i) Give name of the machine and part causing the accident, and
        (ii) State whether it was moved by mechanical power at that time.
    (b) State exactly what the injured person was doing at that time.
    (c) In your opinion, was the injury due to an accident directly attributable to :—
        (i) the injured person having been at the time thereof under the influence of drink or drugs, *or*
        (ii) the wilful disobedience of the injured person to an order expressly given, or to a rule expressly framed for the purpose of securing the safety of employees, *or*
        (iii) the wilful removal or disregard by the injured person of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of the employees.
    (d) Describe briefly how the accident occurred.
13. (a) Nature and extent of injury (*e.g.*, fatal loss of finger, fracture of leg, scald, etc.).
    (b) Location of injury (right leg, left hand or left eye, etc.).
    (c) (i) If the accident is not fatal state whether the injured person has returned to work.
        (ii) If so, date and hour of return to work.

14. Physician, dispensary or hospital from whom or where the injured person received or is receiving treatment.

15. (i) Has injured person died (i)
(ii) If so, date of death. (ii)

I certify that to the best of my knowledge and belief the above particulars are correct in every respect.
Date of despatch of report.

Signature .....
Designation .....
Employer's Name,
Address and
Code No.

FORM 17.

(Regulation 79).

DEPENDANTS' BENEFIT.

DEATH CERTIFICATE.

Book No.....

Serial No.....

Stamp of the Dispensary.

Name of the deceased insured person.....

S/w/d of.....Insurance No.

I certify that in my opinion the above named deceased insured person died on the.....day of..... 19....., as a result of an injury. I* had been attending him/her for providing medical benefit before his / her death and I attended him / her for the last time on the.....day of .....19.....

Date.....

Signature.....
Insurance Medical Officer.

(Rubber stamp or name in block letters).

Any other remarks by the Medical Officer.—
.....
.....

---

* The language may be suitably amended if the Insurance Medical Officer had not attended the deceased person before his/her death.

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FORM 18.

(Regulation 80).

DEPENDANTS' BENEFITS.

CLAIM FORM.

Name of the deceased insured person.....

S/w/d of ....Insurance No.

Date of death .....

Last employed.....

I/We the following, being dependants of the above-named deceased insured person, apply for dependants' benefit in respect of his/her death.

Name of the dependant	Sex	Age or year of of birth	Marital Status	Relationship with the deceased	Name of the guardian in case of a minor

So far as I/we know the following are the only other dependants who may be entitled to Dependants' Benefit in respect of the death of the above-named insured person.

Name of the dependant	Sex	Age or year of birth	Marital Status	Relationship with the deceased	Name of the guardian in case of a minor

I/we declare that the particulars given above are true to the best of my/our knowledge and belief.

	Signatures	Present Address.
1.		
2.		
3.		
4.		

IMPORTANT:—Any person who makes a false statement or representation for the purpose of obtaining benefit whether for himself or for some other person renders himself liable to prosecution.

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FORM 19.
(Regulation 87).

MATERNITY BENEFIT.

NOTICE OF PREGNANCY.

I .....

Insurance No.

wife of / daughter of .....hereby give notice of pregnancy.

Present Address.....

Present / Last employer.....

Date.....

Signature or thumb impression.

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CONFIDENTIAL.

FORM 20.

(Regulation 87).

MATERNITY BENEFIT.

CERTIFICATE OF PREGNANCY.

Book No.....

Serial No.....

Stamp of the Dispensary.

To ..... Insurance No.

I certify that I have examined you today and that in my opinion you are pregnant, and your pregnancy appear to be.....weeks old.

.....

Signature of midwife, if any.

.....

Signature or countersignature of Insurance Medical Officer.

Date.....

(Rubber Stamp or name in block letters).

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CONFIDENTIAL

FORM 21.

(Regulation 88).

MATERNITY BENEFIT.

CERTIFICATE OF EXPECTED CONFINEMENT.

Book No.....

erial No.....

Stamp of the dispensary.

To.....Insurance No.

I certify that I have examined you today and that in my opinion you may expect to be confined in the week commencing.....*

Date.....

.....
Signature of midwife, if any.

.....
Signature or Countersignature of Insurance Medical Officer.

(Rubber stamp or name in block letters.

Any other remarks—

.....

.....

* This date should not be more than 50 days later than the date of examination

FORM 22.

(Regulations 88 & 89).

MATERNITY BENEFIT.

CLAIM FORM.

I..... Insurance No. [ ]

wife of .....hereby claim maternity benefit with effect from
daughter of
the..... .....day of.....19..... I hereby declare
that I have ceased/shall cease to work for remuneration with effect from that date.
Present/last employer.....Department, shift and occupation
.....Present address.....
.....

Date.....

Signature or thumb impression.

IMPORTANT:—

1. No work for remuneration should be taken up during the period for which maternity benefit is being or is to be claimed. Notice of resumption of work in Form No. 24 must be sent before any work is taken up.
2. Any person who makes a false statement or representation for the purpose of obtaining benefit whether for oneself or for some other person renders oneself liable to prosecution.

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CONFIDENTIAL

FORM No. 23.

(Regulations 88 & 89).

MATERNITY BENEFIT.

CERTIFICATE OF CONFINEMENT.

Book No.....

Serial No.....

Stamp of the dispensary

I certify that I attended.....

Insurance No. [ ] in connection with her confinement at

.....(address) and that she was there delivered of a child on the

..... day of .....19.....

*The confinement was premature and the week in which it was expected that she would be confined was the week commencing.....

.....

Date..... Signature of midwife, if any.

.....

Signature or Countersignature of Insurance Medical Officer.

(Rubber stamp or name in block letters).

Any other remarks.....

*To be struck off unless applicable.

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FORM 24.

(Regulation 91).

MATERNITY BENEFIT.

NOTICE OF WORK.

I.....Insurance No. [ ]

wife of / daughter of .....do hereby give notice that I have taken/shall take up work for remuneration with effect from the..... day of .....19..... I have drawn maternity benefit only upto the ..... day of.....19.....

Date.....

.....

Signature or thumb impression

Present address.....

[ ]

NOTIFICATION.

No. C. 180, dated Bangalore, 10th May 1952.

Ordered that the accompanying Notification No. PC-7 (8)/50, dated the 29th April 1952 of the Government of India, Ministry of Commerce and Industry, issued under the Supply and Prices of Goods Act, 1950 (No. LXX of 1950), be republished in the *Mysore Gazette*, for the information of the public.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 29th April 1952.

ORDER.

No. PC-7 (8)/50.—In exercise of the powers conferred by Section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), and in partial modification of the notification of the Government of India in the late Ministry of Industry and Supply No. S.R.O. 503, dated the 2nd September 1950, in so far as it relates to the fixation of maximum price of Caustic Soda (Flake) imported from the United Kingdom, the Central Government hereby fixes the following Schedule of maximum prices of the said variety of Caustic Soda.

SCHEDULE.

Variety of Caustic Soda (1)	Maximum price that may be charged by an importer in certain specified localities (2)	Maximum price that may be charged by a distributor (3)	Maximum price that may be charged by a wholesale dealer (4)	Maximum price that may be charged by a retail dealer (5)
Caustic Soda (Flake) 3 Cwt. drums (Imported from U.K.)	Bombay Rs. 42-2-0 per Cwt. F.O.R. Calcutta Rs. 41-14-0 per Cwt. F.O.R. Madras Rs. 41-14-0 per Cwt. F.O.R.	The price specified in column 2 *plus* (a) actual railway freight by goods train or actual transport charges by sea from any of the localities specified in column 2 to the place of destination, and (b) handling charges not exceeding annas eight per Cwt.	The price specified in column 3 *plus* a margin not exceeding annas eight per Cwt.	The price specified in column 4 *plus* a margin not exceeding Rs. 1-12-0 per Cwt.

NOTE.—These prices are exclusive of local taxes, such as Sales-Tax, Octroi and other local taxes which may be charged extra.

P. S. SUNDARAM,

Under Secy. to Govt. of India.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATIONS.

No. T. 516—R.T. 11-52-2, dated Bangalore, 7th May 1952.

In exercise of the powers conferred by Rule 425 of the Mysore Motor Vehicles and Road Traffic Rules 1945, His Highness the Maharaja is pleased to exempt the motor vehicles bearing Engines Nos. I. K. 175805, I. K. 175850 and I. K. 175826 belonging to Messrs. The Bangalore Transport Company Ltd., from the operation of Rule 319 of the said Rules subject to the condition that the overhang of each vehicle does not exceed 49·50 per cent of the wheel-base.

By Order of His Highness the Maharaja.

No. T. 535—R.T. 4-52-11, dated Bangalore, the 8th May 1952.

In exercise of the powers conferred by Section 44 (1) and (2) of the Motor Vehicles Act, 1939 (Act IV of 1939), His Highness the Maharaja is pleased to constitute a State Transport Authority for Mysore consisting of the following official and non-official members :—

Ex-Officio MEMBERS.

1. The Secretary to the Government of Mysore, Home Department (*Chairman*).
2. The Inspector-General of Police in Mysore, Bangalore.
3. The Chief Engineer, Roads and Buildings, Bangalore.

NON-OFFICIAL MEMBERS.

4. Sri M. L. Nanjaraj Urs, B.A., LL.B., Mavathur, Krishnarajanagar Taluk.
5. Sri N. G. Rudrappa, Land-lord, Nidige Village, Shimoga Taluk.
6. Sri M. Hutchegowda, Coffee Planter, Chattaghatta, Makonahalli Post, Mudigere.
7. Sri K. Pattabhiramah, B.A., B.L., M.L.A., Advocate, Kolar.

8. Sri S. Vasudeva Rao, President, District Congress Committee, Chitaldrug.
9. Sri Malavalli Veerappa, Malavalli, Mandya District.
10. Sri D. Govinda Das, Dammaningala, Sravanabelagola Post, Channarayapatna Taluk, Hassan District.

Sri L. Kantharaj Urs, B.A., Deputy Commissioner doing duty as the Secretary of the Mysore Traffic Board, will be the Member-Secretary of the State Transport Authority.

By Order of His Highness the Maharaja.

No. T. 556—R.T. 4-52-12, dated Bangalore, the 8th May 1952.

In exercise of the powers conferred by Section 44 (1) and (2) of the Motor Vehicles Act, 1939 (Act IV of 1939), His Highness the Maharaja is pleased to constitute a Regional Transport Authority for Tumkur District, consisting of the following Official and Non-Official Members :—

Ex-Officio MEMBERS.

1. The District Magistrate, Tumkur District, Tumkur (*Chairman*).
2. The District Superintendent of Police, Tumkur District, Tumkur. (*Secretary*).
3. The Executive Engineer, Tumkur Division, Tumkur.
4. The President, Tumkur District Board, Tumkur.

NON-OFFICIAL MEMBERS.

5. Sri Govinda Setty, B.A., LL.B., Advocate, Madhugiri.
6. Sri H. M. Gangadhar, M.L.A., Gollahalli, Tumkur Taluk.
7. Sri D. R. Muddappa, Merchant, Chikpet, Tumkur.
8. Sri K. L. Narasimhaiah, Kyatsandra, Tumkur.
9. Sri T. G. Thimmegowda, M.L.A., Merchant, Tiptur.
10. Sri T. Nanjiah *alias* Anna, Kunigal.
11. Sri M. K. Narasimhiah, President, Taluk Development Committee, Mayasandra, Turuvekere Taluk.

By Order of His Highness the Maharaja.

No. T. 561—R.T. 4-52-13, dated Bangalore, 8th May 1952.

In exercise of the powers conferred by Section 44 (1) and (2) of the Motor Vehicles Act, 1939 (Act IV of 1939), His Highness the Maharaja is pleased to constitute a

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Regional Transport Authority for Hassan District, consisting of the following Official and Non-Official Members :—

Ex-Officio MEMBERS.

1. The District Magistrate, Hassan District, Hassan. (*Chairman*).
2. The District Superintendent of Police, Hassan District, Hassan. (*Secretary*).
3. The Executive Engineer, Hassan Division, Hassan.
4. The President, Hassan District Board, Hassan.

NON-OFFICIAL MEMBERS.

5. Sri H. D. Brahmadeviah, Hassan.
6. Sri Shop Basappa, B.A., Saklespur.
7. Sri K. C. Puttegowda, Belur.
8. Sri S. C. Suryanarayana Setty, Hole-Narsipur.
9. Sri M. Nanjappa, Landlord, Kantharajpura, Channarayapatna.
10. Sri D. Dasegowda, Arsikere.
11. Sri G. Sampath Iyengar, Gorur.

By Order of His Highness the Maharaja.

No. T. 566—R.T. 4-52-14, dated Bangalore, the 8th May 1952.

In exercise of the powers conferred by Section 44 (1) and (2) of the Motor Vehicles Act, 1939 (Act IV of 1939), His Highness the Maharaja is pleased to constitute a Regional Transport Authority for Kolar District, consisting of the following Official and Non-Official Members :—

Ex-Officio MEMBERS.

1. The District Magistrate, Kolar District, Kolar (*Chairman*).
2. The District Superintendent of Police, Kolar District, Kolar (*Secretary*).
3. The Executive Engineer, Kolar Division, Kolar.
4. The President, Kolar District Board, Kolar.

NON-OFFICIAL MEMBERS.

5. Sri G. Narayana Gowda, B.A., M.L.A., Hogalgere, Yeldur Post, Srinivaspur Taluk.
6. Sri Suryanarayana Joshi, Jodidar, Gulur Post, Bagepalli Taluk.
7. Sri K. M. Papanna, Agriculturist, Kotanur Village, Sidlaghatta Taluk.
8. Sri Venkatappa Setty, Merchant, Srinivasapur.
9. Sri M. K. Narayanappa, Land-lord, Kadabenahalli, Kaiwar P.O., Chintamani Taluk.

10. Sri Chikkasiddappa, Merchant, Bangarpet.
11. Sri K. S. Vasan, M.L.A., Door No. 716, Block No. 7. Circle B. Non-Mining Area, Kolar Gold Fields.

By Order of His Highness the Maharaja.

No. T. 571—R.T. 4-52-15, dated Bangalore, the 8th May 1952.

In exercise of the powers conferred by Section 44 (1) and (2) of the Motor Vehicles Act, 1939 (Act IV of 1939), His Highness the Maharaja is pleased to constitute a Regional Transport Authority for Mandya District, consisting of the following Official and Non-Official Members:—

Ex-Offcio MEMBERS.

1. The District Magistrate, Mandya District, Mandya (*Chairman*).
2. The District Superintendent of Police, Mandya District, Mandya (*Secretary*).
3. The Executive Engineer, Mandya Division, Mandya.
4. The President, Mandya District Board, Mandya.

NON-OFFICIAL MEMBERS.

5. Sri Bomme Gowda, Vice-President, District Board, Krishnarajpet.
6. Sri B. Y. Neelegowda, M.L.A., Advocate, Mandya.
7. Sri M. R. N. Sastry, Secretary, Taluk Congress Committee and Mysore Pradesh Congress Committee Member, Nagamangala.
8. Sri M. C. Venkatesh, Malavalli.
9. Sri S. M. Lingappa, M.L.A., Seelanere Village, Krishnarajapet Taluk.
10. Sri A. G. Bandi Gowda, B.A., LL.B., Chairman, Mysore Sugar Company, Mandya.
11. Sri Tirumale Gowda, M.L.C., Shivapura, Maddur Post.

By Order of His Highness the Maharaja.

No. T. 576—R.T. 4-52-16, dated Bangalore, the 8th May 1952.

In exercise of the powers conferred by Section 44 (1) and (2) of the Motor Vehicles Act, 1939 (Act IV of 1939), His Highness the Maharaja is pleased to constitute a Regional Transport Authority for Shimoga District,

consisting of the following Official and Non-Official Members :—

Ex-Officio MEMBERS.

1. The District Magistrate, Shimoga District, Shimoga (*Chairman*).
2. The District Superintendent of Police, Shimoga District, Shimoga (*Secretary*).
3. The Executive Enginineer, Shimoga Division, Shimoga.
4. The President, Shimoga District Board, Shimoga.

NON-OFFICIAL MEMBERS.

5. Sri K. Krishnappa, Advocate, Shimoga.
6. Sri Y. Mallikarjunappa Gowda, Land-lord, Ennekoppa, Sorab Taluk.
7. Sri H. Ranga Rao, Huncha, Hosanagar Taluk.
8. Sri N. D. Venkatesh, B A , LL.B., Advocate, Shimoga.
9. Sri V. Vittoba Rao, Cloth Merchant, Shimoga.
10. Sri D. Basavappa, B.A., LL.B., Advocate Shimoga.
11. Sri K. V. Narasappa, B.A., LL.B., Advocate and Municipal Councillor, Shikaripur.

By Order of His Highness the Maharaja.

No. T. 581—R.T. 4-52-17, dated Bangalore, 8th May 1952.

In exercise of the powers conferred by Section 44 (1) and (2) of the Motor Vehicles Act, 1939 (Act IV of 1939) His Highness the Maharaja is pleased to constitute a Regional Transport Authority for Chikmagalur District, consisting of the following Official and Non-Official Members :—

Ex-Officio MEMBERS.

1. The District Magistrate, Chikmagalur District, Chikmagalur, (*Chairman*).
2. The District Superintendent of Police, Chikmagalur District, Chikmagalur, (*Secretary*).
3. The Executive Engineer, Chikmagalur Division, Chikmagalur.
4. The President, Chikmagalur District Board, Chikmagalur.

NON-OFFICIAL MEMBERS.

5. Sri B. N. Puttannagowda, Chairman, Taluk, Development Committee, Belegadde, Koppa Taluk.
6. Sri Veerappa Gowda, District Board Vice-President.
7. Sri Y. M. Chandrasekhariah, M.L.A., Yellambalase, Kadur Taluk.

8. Sri Mylarsetty, B.Sc., B.Com., Kadur.
9. Sri T. Nagappa, M.L.A., Landholder, Tarikere.
10. Sri Narasimha Moorthy, B.A., LL.B., Advocate, Chikmagalur.
11. Sri M. Mallappa, B.A., LL.B., Advocate, Tarikere.

By Order of His Highness the Maharaja.

No. T. 586—R.T. 4-52-18, dated Bangalore, the 8th May 1952.

In exercise of the powers conferred by Section 44 (1) and (2) of the Motor Vehicles Act, 1939 (Act IV of 1939), His Highness the Maharaja is pleased to constitute a Regional Transport Authority for Chitaldrug District, consisting of the following Official and Non-Official Members:—

Ex-Officio MEMBERS.

1. The District Magistrate, Chitaldrug District, Chitaldrug. (*Chairman*).
2. The District Superintendent of Police, Chitaldrug District, Chitaldrug. (*Secretary*).
3. The Executive Engineer, Chitaldrug Division, Chitaldrug.
4. The President, Chitaldrug District Board, Chitaldrug.

NON-OFFICIAL MEMBERS.

5. Sri G. Basappa, B.A., M.L.A., Chikyagati, Hosadurga Taluk.
6. Sri K. T. Jambanna, Municipal Councillor, Davangere City, Municipal Council, Davangere.
7. Sri R. G. Siddappa, B.A., LL.B., Advocate, Davangere.
8. Sri H. C. Boriah, B.A., LL.B., Advocate, Chitaldrug.
9. Sri R. K. Patel, Zamindar, Harayabbi, Hiriyur Taluk.
10. Sri Narasimhaiah, Chirman, Taluk Development Committee, Molkalmuru.
11. Janab C. K. Zunodi, B.A., B.L., President, Chitaldrug Municipal Council, and Advocate, Chitaldrug.

By Order of His Highness the Maharaja.

No. T. 591—R.T. 4-52-19, dated Bangalore, 8th May 1952.

In exercise of the powers conferred by Section 44 (1) and (2) of the Motor Vehicles Act, 1939 (Act IV of 1939), His Highness the Maharaja is pleased to constitute a Regional Transport Authority for Bangalore District,

consisting of the following Official and Non-Official Members :—

Ex-Officio MEMBERS.

1. The District Magistrate, Bangalore District, Bangalore, (*Chairman*).
2. The Deputy Inspector-General of Police, Bangalore City, Bangalore (*Secretary*).
3. The Executive Engineer, Bangalore Division Bangalore.
4. The President, District Board, Bangalore District, Bangalore.

NON-OFFICIAL MEMBERS.

5. Sri Y. M. Gaviyappa, Vijayapura, Bangalore District.
6. Sri Gubbi Hutchappa, Municipal, Councillor, Nelamangala
7. Janab Khader Nawaz Khan, Municipal Councillor, Magadi.
8. Sri Kullegowda *alias* Linge Gowda, Dandanaikanpura, Ramanagaram Taluk.
9. Sri Rudrappa, Hoskote, Bangalore District.
10. Sri Kemparaj, M.L.A., Vyalikaval, Yesvantpur Post.
11. Sri Channappa, Chakkere village, Channapatna Taluk.

By Order of His Highness the Maharaja.

No. T. 596—R.T. 4-52-20, dated Bangalore, 8th May 1952.

In exercise of the powers conferred by Section 44 (1) and (2) of the Motor Vehicles Act, 1939 (Act IV of 1939 His Highness the Maharaja, is pleased to constitute a Regional Transport Authority for Mysore District, consisting of the following Official and Non-Official Members :—

Ex-Officio MEMBERS.

1. The District Magistrate, Mysore District, Mysore (*Chairman*).
2. The District Superintendent of Police, Mysore District, Mysore, (*Secretary*).
3. The Executive Engineer, Mysore Division, Mysore.
4. The President, Mysore District Board, Mysore.

NON-OFFICIAL MEMBERS.

5. Sri M. Madaiah, M.L.A., Nerale, Nanjangud Taluk.
6. Sri Srinivasa Iyengar, Advocate, Hunsur.
7. Sri T. S. Subbanna, Sarvajanika Hostel, Mysore.
8. Sri D. M. Siddaiah, Devanur, Nanjangud Taluk.
9. Sri S. Narayana Rao, B.A., LL.B., Advocate, Nanjangud.

10. Sri Shivananje Gowda, M.L.A., Chairman, Naganahally, Mysore Taluk.
11. Sri D. Devaraja Urs, M.L.A., Hunsur.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

No. L.S. 623—L.W. 34-51-5, dated Bangalore, 7th May 1952.

Whereas His Highness the Maharaja of Mysore is of opinion that minimum rates of wages should be fixed in respect of employment in Ceramic industries;

Now, therefore, in exercise of the powers conferred by section 27 of the Minimum Wages Act, 1948 (Central Act XI of 1948), His Highness the Maharaja of Mysore is pleased to direct that to the employments specified in Part I of the schedule to the said Act the addition specified hereunder shall be made, the proposal in this behalf having been previously published as required by the said section in the *Mysore Gazette* dated 9th August 1951.

After item 12, the following item shall be added, namely:—

"13. Employment in any Ceramic Industry."

By Order of His Highness the Maharaja.

No. L.S. 640—L.W. 61-52-2, dated Bangalore, 8th May 1952.

In exercise of the powers conferred by Section 6 of the Mysore Shops and Establishments Act, 1948 (Mysore Act II of 1948) His Highness the Maharaja of Mysore is pleased to exempt the General and Revenue Secretariat Club, Bangalore, from all the provisions of the said Act.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

No. C. 157—Co. 8-52-2, dated Bangalore, 9th May 1952.

In pursuance of section 3 of the Mysore Drugs (Control) Act, 1950 (Act No. VI of 1950), His Highness the Maharaja is pleased to declare that the provisions of the said Act shall apply to the following drugs, namely :—

ADRENOCORTICOTROPIC HORMONE, (ACTH.)

CORTISONE.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,
Food and Agriculture
Departments.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV.

Section 2-D

RULES MADE BY THE HIGH COURT OF MYSORE.

HIGH COURT OF MYSORE, BANGALORE.

NOTIFICATION.

R. Dis. 31—1950-51. *dated* 17*th April* 1952.

Subject:—*Amendment of Rule 5 of Order XXVII of the Code of Civil Procedure, 1908.*

The following amendment which the High Court proposes to make, to Rule 5 of Order XXVII of the Code of Civil Procedure 1908, is published under Section 122 of the Code for the information of all concerned. Any objection or suggestion which may be received from any person in regard to the proposed amendment before the 3rd June 1952 will be considered by the High Court.

Proposed amendment.

Substitute the following for the existing Rule 5 of Order XXVII, Code of Civil Procedure, 1908:—

"5. The Court, in fixing the day for the Government to answer to the plaint, shall allow not less than three months' time from the date of summons for the necessary communication with the Government through the proper channel, and for the issue of instructions to the Government Pleader or the recognised agent of the Government to appear and answer on behalf of the Government, and may extend the time at its discretion."

K. CHANDY,
Deputy Registrar.

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PART IV

Section I-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 302—Legis. 7-52-1, dated Bangalore, 14th May 1952.

Ordered that Notification No. S.R.O. 706, dated 19th April 1952, of the Ministry ofL aw—the Constitution (Distribution of Revenues) Order, 1952 (C.O. 40), published in the *Gazette of India*, Part II, Section 3, dated the 19th April 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 19th April 1952.

S.R.O. 706.—The following Order made by the President is published for general information :—

C.O. 40.

THE CONSTITUTION (DISTRIBUTION OF REVENUES) ORDER, 1952.

In exercise of the powers conferred by articles 270, 273 and 275 of the Constitution of India and of all other powers enabling him in that behalf, the President

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after considering the provisional recommendations of the Finance Commission, is pleased to made the following Order, namely :—

1. This order may be called the Constitution (Distribution of Revenues) Order, 1952.

2, The provisions of paragraphs 3 and 4 of the Constitution (Distribution of Revenues) Order, 1950, shall apply in relation to the financial year commencing on the 1st day of April, 1952, as they apply in relation to the financial year commencing on the 1st day of April 1950, subject to the modification that in the table appended to paragraph 4 of the said Order, the entries relating to Punjab shall be omitted.

[No. F. 23 (4)/52-C.]

RAJENDRA PRASAD,

President.

K. V. K. SUNDARAM, *Secy.*

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 2252—Legis. 6-51-60, dated Bangalore, 5th March 1952

Ordered that Notification No. S.R.O. 236, dated the 4th February 1952 of the Ministry of Information and Broadcasting under the Cinematograph Act, 1918 notifying that the film "His Kind of Woman" as uncertified, published in the *Gazette of India*, Part II, Section 3, dated the 9th February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF INFORMATION AND BROADCASTING.

New Delhi, the 4th February 1952.

S.R.O. 236.—In exercise of the powers conferred by sub-section (5) of section 6 of the Cinematograph Act, 1918 (II of 1918), the Central Government hereby directs that the film entitled "His Kind of Woman" produced by R.K.O. Radio Pictures Ltd., of U.S.A. shall be deemed to be an uncertified film in the whole of the territories to which the said Act extends.

[No. 20/46/51-F.]
G. B. RAO, *Dy. Secy.*

NOTIFICATION. 459

No, L.D. 2255—Legis 5-51-106, dated Bangalore, 5th March 1952.

Ordered that Notification No. S.R.O. 237, dated the 28th January 1952 of the Ministry of Rehabilitation amending the Administration of Evacuee Property (Central) Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 9th February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION.

New Delhi, the 28th January 1952.

S.R.O. 237.—In exercise of the powers conferred by section 56 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) the Central Government hereby directs that the following amendments shall be made in the Administration of Evacuee Property (Central) Rules, 1950 namely :—

For the Table appended to sub-rule (1) of rule 32 of the said Rules the following Table shall be substituted, namely :—

	Rs.	a.	p.
"(I) *Appeals*—			
(*i*) to the Custodian General	20	0	0
(*ii*) to the Custodian Additional Custodian or the specially designated District Judge.	10	0	0
(II) *Petitions*—			
(*i*) for revision when made to the Custodian General	10	0	0
(*ii*) for revision when made to the Custodian or Additional Custodian except in rent cases.	5	0	0
(*iii*) for review	5	0	0
(*iv*) for revision of rent when made to the Custodian, Additional Custodian or Authorized Deputy Custodian—			
(*a*) where the monthly rent already assessed does not exceed Rs. 5	0	8	0
(*b*) where the monthly rent already assessed exceeds Rs. 5 but does not exceed Rs. 10 ...	1	0	0
(*c*) where the monthly rent already assessed exceeds Rs. 10 but does not exceed Rs. 20 ...	2	0	0
(*d*) where the monthly rent already assessed exceeds Rs. 20	5	0	0
(III) *Applications*—			
(*i*) any application under section 16 for restoration of property.	10	0	0

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	Rs.	a.	p.
(ii) any application under section 40 for confirmation of transfer :—			
(a) where the consideration for the transfer does not exceed Rs. 1,000	2	0	0
(b) where the consideration for the transfer exceeds Rs. 1,000 but does not exceed Rs. 5,000 ...	5	0	0
(c) where the consideration for the transfer exceeds Rs. 5,000 but does not exceed Rs. 10,000 ...	10	0	0
(d) in all other cases	20	0	0
(iii) any application under section 23 for an intending evacuee being called upon to pay up the deficiency in the consideration paid by him for an evacuee property in Pakistan	5	0	0
(iv) any application for a copy of any document or order	0	2	0
(v) any application not otherwise provided for but made in relation to a proceeding under section 7, 16, 19, 22, or 40 :—			
(i) when made to the Custodian General ...	2	0	0
(ii) when made to any other officers ...	1	0	0
(vi) any application of a miscellaneous nature not otherwise provided for	0	2	0"

[No. 30 (1)/51-Prop.]

O. R. KOHLI, *Dy. Secy.*

NOTIFICATION.

No. L.D. 2256—Legis. 5-51-107, dated Bangalore, 5th March 1952.

Ordered that Notification No. S.R.O. 234, dated the 1st February 1952 of the Ministry of Natural Resources and Scientific Researches amending the Mineral Concession Rules, 1949, published in the *Gazette of India*, Part II, Section 3, dated the 9th February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH.

New Delhi, the 1st February 1952.

S.R.O. 234.—In exercise of the powers conferred by section 5 of the Mines and Minerals (Regulation and Development) Act, 1948 (LIII of 1948), the Central Government hereby directs that the following amendment shall be made in the Mineral Concession Rules, 1949, namely :—

In rule 57 of the said Rules, after clause (i) the following clause shall be inserted, namely,

"(i-A) refusing to renew a certificate of approval."

[No. M.II-159 (12).]

T. GONSALVES, *Dy. Secy.*

NOTIFICATION. 461

No. L.D. 2257—Legis. 5-51-108, dated Bangalore, 5th March 1952.

Ordered that Notification No. S.R.O. 235, dated 2nd February 1952 of the Ministry of the Natural Resources and Scientific Researches amending the Petroleum Concession Rules, 1949, published in the *Gazette of India*, Part II, Section 3, dated the 9th February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

New Delhi, the 2nd February 1952.

S.R.O. 235.—In exercise of the powers conferred by section 5 of the Mines and Minerals (Regulation and Development) Act, 1948 (LIII of 1948), the Central Government hereby directs that the following amendments shall be made in the Petroleum Concession Rules, 1949, namely :—

In the said Rules—

1. For the words "Province" or "Provincial" wherever they occur, the word "State" shall be substituted.

2. In rule 1, after sub-rule (i) the following sub-rule shall be inserted, namely:—

"(iA) They extend to the whole of India except the State of Jammu and Kashmir."

3. In rule 3, the definitions of the terms "Indian citizen" and "Provincial Government" shall be omitted.

4. In rule 60, for the words "an Indian citizen" and "Indian citizens" the words "a citizen of India" and "citizens of India" shall, respectively, be substituted.

[No. MII-167-(1).]

T. GONSALVES, *Dy. Secy.*

NOTIFICATION. 462

No. L.D. 2268—Legis. 5-51-109, dated Bangalore, 5th March 1952.

Ordered that Notification No. S.R.O. 239, dated the 1st February 1952, of the Ministry of Rehabilitation amending the Displaced Persons (Verification of Claims) Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 9th February 1952, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION.

New Delhi, the 1st February 1952.

S.R.O. 239.—In exercise of the powers conferred by section 16 of the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), the Central Government hereby directs that the following amendments shall be made in the Displaced Persons (Verification of Claims) Rules 1950, namely :—

In the said rules—

(*a*) to rule 6, the following further proviso shall be added, namely :—

Provided further that where the Claims Officer is satisfied that the notice was not duly served upon the claimant, he may entertain an application under the preceding proviso after the expiry of the period of sixty days prescribed therein.

(*b*) For rule 17, the following rule shall be substituted, namely :—

17. *Service of order or notice.*—(1) Every order or notice made or issued under these rules shall be served by post to the Claimant at the address supplied by him in his claim form.

(2) The service of an order or notice under sub-rule (1) shall be deemed to be effected by properly addressing, pre-paying and posting by registered post a letter containing the document, and unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

[No. 32 (67) AE/51.]

K. J. GEORGE, *Under Secy.*

NOTIFICATION. 463

No. L. D. 2259—Legis. 5-51-110, dated Bangalore, 5th March 1952.

Ordered that Notification No. S.R.O. 243, dated the 30th January 1952, of the Ministry of Works, Production and Supply amending the Indian Boiler Regulations, 1950 published in the *Gazette of India*, Part II, Section 3, dated the 9th February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS, PRODUCTION AND SUPPLY.

CENTRAL BOILERS BOARD.

New Delhi, the 30th January 1952.

S.R.O. 243.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board hereby directs that the following further amendment shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

In regulation 382 of the said Regulations, to the list of the States with their distinguishing letters, the following States with their distinguishing letters, shall b added, namely :—

Hyderabad	H.D.
Madhya Bharat	M.B.
Mysore	M.Y.S.
Patiala and East Punjab States Union	P.U.
Rajasthan	R.J.
Saurashtra	S.R.
Travancore-Cochin	T.C.

[No. M/BL-12-(6)-Part-II.]

N. P. DUBE, *Secy.*
Central Boilers Board.

NOTIFICATION. 464

No. L.D. 2262—Legis. 5-51-105, dated Bangalore, 5th March 1952.

Ordered that Notification Nos. S.R.O. 277 and 278, dated the 12th February, 1952, of the Ministry of Works, Production and Supply amending the Indian Boiler Regulations, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 16th February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government;
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS, PRODUCTION & SUPPLY.

CENTRAL BOILERS BOARD

New Delhi, the 12th February 1952.

S.R.O. 277.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923) the Central Boilers Board hereby directs that the following amendment shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

To clause (b) of regulation 166 of the said Regulations, the following shall be added at the end, namely :—

"Lugs may be satisfactorily welded to manhole doors for the attachment of bolts."

[No. M/BL-307 (57).]

S.R.O. 278.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board hereby directs that the following amendment shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

For Regulation 527 of the said Regulations, the following regulation shall be substituted, namely :—

"527. Procedure for Hydraulic test. Every economiser for registration shall be hydraulically tested in the presence of an Inspector to $1\frac{1}{2}$ times the working pressure. Hydraulic tests of economisers at subsequent examinations shall, when required by the Inspector, be made after the inspection. The test pressure to be applied to economisers at subsequent examinations shall be from $1\frac{1}{4}$ to $1\frac{1}{2}$ times the working pressure of the economisers. During the test, all parts externally and in the flues shall be noted for leakage."

[No. M/BL-304(66).]

N. P. DUBE,
Secretary, Central Boilers Board.

NOTIFICATION. 465

No. .D. 2263—Legis. 6-51-63, dated Bangalore, 5th March 1952.

Ordered that Notification No. S.R.O. 279, dated the 6th February 1952 of the Ministry of Labour under the Employees' State Insurance Act, 1948, published in the *Gazette of India*, Part II, Section 3, dated the 16th February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 6th February 1952.

S.R.O. 279.—In exercise of the powers conferred by section 73-A of the Employees' State Insurance Act, 1948, (XXXIV of 1948), the Central Government hereby notifies as follows :—

1. The employers' special contribution shall be payable in respect of each quarter ending on 31st March, 30th June, 30th September and 31st December as the case may be.

2. The total wage bill of an employer in respect of a quarter means the total wages which have accured due to employees in his factory or establishment in respect of all wage periods the last day of which falls in such quarter :

Provided that in the case of the first quarter which ends after the 24th February 1952 the wage periods which ended before such date shall be excluded.

3. The principal employer shall pay to the Corporation the Employer's special contribution within thirty days from the last day of the quarter in respect of which such contribution is payable :

Provided that the amount payable shall be rounded off to the nearest rupee, fractions of a rupee below eight annas being ignored and those of or above eight annas being reckoned as a full rupee.

4. The employers' special contribution shall be paid to the Account of the Employees' State Insurance Fund with such branch or branches of the Imperial Bank of India or such other Bank, as may be specified for any area by the Director-General of Employees' State Insurance (hereinafter referred to as the Director-General), or as may be agreed to by the Director-General in respect of any factory or establishment.

5. The payment referred to in clause 4 may be made either by tender of cash or by cheque drawn on a bank referred to in that clause or on any scheduled bank or any other bank which has a clearing account with a scheduled bank or the Reserve Bank of India ;

Provided that where the payment is made by cheque the collection charges, if any, of the bank shall be included in the amount of the cheque over and above the amount sought to be paid.

Explanation.—A cheque bearing a date later than the date of deposit shall not be accepted.

6. The principal employer shall, at the time he tenders payment to the Bank, also furnish to the bank a duly completed challan in triplicate in Form S-I or S-II, as the case may be. The bank shall in token of having received the amount—

(a) where the payment is made in cash, return forthwith to the payer one copy of the challan duly countersigned, and

(b) where the payment is made by means of a cheque, return to the payer one copy of the challan duly countersigned as soon as the cheque has been realized, showing also on the challan the net amount credited to the Fund after deduction of the collection charges, if any.

7. Where a principal employer pays the said contribution by a cheque, the corresponding amount shall not be deemed to have been paid until the cheque has been realized and the amount credited to the account of the said Fund in any bank referred to in clause 4.

8. (i) Any principal employer who has paid any amount in excess of the employer's special contributions due from him for any quarter, may apply in writing to the Corporation within twelve months of the date of such payment, for refund of the excess amount paid by him furnishing full details as to the employers' special contributions that have actually fallen due in respect of the quarter and the amounts which he has actually paid in respect thereof.

(ii) Subject to the production of such evidence by way of affidavit or otherwise as the Director-General or any officer of the Corporation authorised by him in this behalf may require, the amount of such excess as may be admissible, shall be refunded without any interest to the Principal Employer.

[No. SS.121(60).]

K. N. SUBRAMANIAN,
Joint Secretary.

NOTIFICATION. 467

No L.D. 278—Legis. 5-52-17, dated Bangalore, 9th May 1952.

Ordered that Notification No. M.—B.L. 304 (70)/51, dated 31st March, 1952 of the Ministry of Works, Production and Supply amending the Indian Boiler Regulations, 1950 be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS, PRODUCTION AND SUPPLY.

CENTRAL BOILERS BOARD.

New Delhi, the 31st March 1952.

NOTIFICATION.

No. M.—BL./304 (70)—51.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board hereby directs that the following amendment shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (i) of section 31 of the said Act, namely :—

In regulation 281 of the said Regulations, the following sentence shall be added at the end, namely :—

"In the case of Electrode boilers referred to in Regulation 104 (d), at least one means of indicating the water-level shall be provided."

N. P. DUBE,
Secretary, Central Boilers Board.

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NOTIFICATION.

No. L.D 279—Legis. 5-52-17, dated Bangalore, 9th May 1952.

d that Notification No. M./B.L.—327 (1)/51, dated 4th 2 from the Ministry of Works, Production and Supply the Indian Boiler Regulations, 1950 be republished in the zette, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS, PRODUCTION AND SUPPLY.

CENTRAL BOILERS BOARD.

New Delhi, the 4th April 1952.

NOTIFICATION.

M.-327 (1)/51.—In exercise of the powers conferred by section 28 o Boilers Act, 1923 (V of 1923), the Central Boilers Board hereby the following amendment shall be made in the Indian Boiler Regula- the same having been previously published as required by sub-section n 31 of the said Act, namely.—

gulation 281 and clause (a) of regulation 320 of the said Regulations, the pendent" shall be omitted.

N. P. DUBE,
Secretary, Central Boilers Board.

NOTIFICATION. 469

No. L. D. 280—Legis. 6-52-7, dated Bangalore, 9th May 1952.

Ordered that Order No. L.R.—1 (134) I, dated 1st ... from the Ministry of Labour under the Industrial Dispu... regarding constitution of Works Committee be republi... *Mysore Gazette*, for general information.

By Order of His Highness the ...

N. R. JAYA R...
Legal Remembrancer
Secretary to Go...
Law D...

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 1st April 1952.

ORDER.

No L.R.–1 (134) 1.—In exercise of the powers conferred by sub-se... section 3 of the Industrial Disputes Act, 1947 (XIV of 1947), the Centr... ment is pleased to order that every employer of an industrial establishme... in any Part B State in which one hundred or more workmen are employe... been employed on any day within the 12 months preceding the date of t... tion of this order, in any industry carried on by or under the author... Central Government (other than a railway, a mine, an oilfield or a major p... *constitute a Works Committee in accordance with the provisions* of the ... in the manner laid down in Part V of the Industrial Disputes (Central) R...

S. NEELAKANT...
Deputy Se...

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NOTIFICATION.

No. L.D. 299—Legis. 6-52-10, dated Bangalore, 14th May 1952.

Ordered that Notification No. S.R.O. 465, dated 7th March 1952 of the Ministry of Works, Production and Supply amending the Schedule attached to Notification of the Government of India in the late Department of Industries and Labour No. M. 826 (3), dated 22nd March 1937, published in the *Gazette of India*, Part II, Section 3, dated the 15th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS, PRODUCTION AND SUPPLY.

New Delhi, the 7th March 1952.

NOTIFICATION.

No. M. 108 (1)—52.—In exercise of the powers conferred by sub-section (1) of section 26 of the *Petroleum Act*, 1934 (XXX of 1934), the Central Government hereby directs that the following further amendment shall be made in the Schedule annexed to the notification of the Government of India in the late Department of Industries and Labour No, M. 826 (3), dated the 22nd March, 1937, namely :—

In the said Schedule.—

1. For the entry in the second column, against item 1, the following entry shall be substituted, namely :—

"All the territories to which Act extends".

2. For the entry in the first column against item 4, the following entry shall be substituted, namely :—

"The Commissioner of Police and all Police Officers of rank not below that of Sub-Inspector."

B. B. PAYMASTER,
Deputy Secretary to the Government of India.

NOTIFICATION. 471

No. L.D. 300—Legis. 6-52-9, Bangalore, dated 14th May 1952.

Ordered that Notification No. M. 103 (3)/52, dated 23rd April 1952 of Ministry of Works, Production and Supply amending the Notification dated 19th January 1939 under the Indian Explosives Act, 1884, with Notification No. M. 1268 (1), dated 9th January 1939 of Department of Labour, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS, PRODUCTION AND SUPPLY.

New Delhi, the 23rd April 1952.

NOTIFICATION.

No. M .103 (3) 52. In exercise of the powers conferred by sections 17 and 6 of the *Indian Explosives Act*, 1884 (IV of 1884), the Central Government hereby directs that the following amendment shall be made in the Notification of the Government of India in the late Department of Labour No. M. 1268 (1), dated the 19th January 1939, namely :—

In Exception 4 in the Schedule to the said Notification, for the words "Any acetylene when contained in a homogeneous porous substance, with or without acetone or other solvent if the following conditions are fulfilled, namely :—" the following shall be substituted, namely :—

"Any acetylene when contained in a homogeneous porous substance, with or without acetone or other solvent, if the conditions set forth below are fulfilled :

Provided that the Chief Inspector of Explosives on being satisfied that in respect of any cylinder or class of cylinders mentioned in those conditions, any of those conditions may be safely suspended or modified, he may, by written order, authorise the suspension or modification thereof for such period and under such conditions as he may think fit :

Provided further that any such written order may be revoked by the Chief Inspector of Explosives at any time.

Conditions."

B. B. PAYMASTER,
Dy. Secy. to the Govt. of India.

DEPARTMENT OF LABOUR.

NOTIFICATION.

472

New Delhi, the 9th January, 1939.

No. M. 1268 (1).—In exercise of the powers conferred by sections 17 and 6 of the Indian Explosives Act, 1884 (IV of 1884) and in supersession of the Notification of the Government of India in the late Department of Commerce and Industry, No. 596-D., dated the 6th December 1919, the Central Government is pleased.—

(1) to declare that acetylene.

(*a*) When liquid, or

(*b*) when subject to a pressure exceeding that of a column of water 250 inches in the height, or

(*c*) when in admixture with air or oxygen in whatever proportion and at whatever pressure, and

(*d*) whether or not in admixture with other substances,

shall, subject to the exceptions mentioned in the Schedule annexed hereto, be deemed to be an explosive within the meaning of the said Act; and

(2) to prohibit absolutely the manufacture, possession and importation of such acetylene as is declared by this Notification to be an explosive.

SCHEDULE.

(1) Any acetylene which the Central Government, on being satisfied that it is not possessed of explosive properties, may by order exempt from the operation of this Notification.

(2) Any acetylene in admixture with air, when such admixture takes place—

(*a*) only in a burner or other contrivance in which the mixture is intended to be burnt, or

(*b*) unavoidably, in the first use or re-charging of an apparatus properly designed and constructed with a view to the production of pure acetylene.

3. Any acetylene in admixture with oil-gas (that is to say, a gas manufactured from mineral oil) and under compression, if the following conditions are fulfilled, namely :—

(*a*) the acetylene shall be generated only by the Atkins Dry Process;

(*b*) the proportion of acetylene shall not exceed fifty parts by volume in every one hundred parts of the mixture of acetylene and oil-gas;

(*c*) the acetylene and oil-gas shall be mixed together in a chamber or vessel before the gases are subjected to compression; and

(*d*) the mixture shall not be subjected to a pressure exceeding 150 pounds per square inch.

4. Any acetylene when contained in a homogeneous porous substance, with or without acetone or other solvent, if the following conditions are fulfilled, namely :—

(i) The porous substance shall fill as completely as possible the cylinder into which the acetylene is compressed.

(ii) The perosity of the substance shall not exceed eighty per cent.

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(iii) Any acetone or other solvent used shall not be capable of chemical reaction with the acetylene gas or with the porous substance or with the metal of the cylinder, and the quantity of acetone or other solvent shall be such that when fully charged with acetylene it shall not completely fill the porosity of the porous substance at any temperature likely to be met with in ordinary practice or use.

(iv) A drawing showing the method of construction of every type of cylinder it is proposed to use for the storage of compressed acetylene gas shall be deposited with the Chief Inspector of Explosives in India and no cylinder shall be so used unless it is of a design approved in writing by the said Chief Inspector.

(v) The cylinder shall be entirely covered with a coat of paint of a maroon colour corresponding to British Standard Colour No. 41.

(vi) The valves of the cylinders shall not contain more than seventy per cent of copper in their composition and they shall be fitted with left handed outlet screw threads for the pipe or other connections :

Provided that small cylinders and cylinders for special purposes may have right handed screw threads.

(vii) Each cylinder when not in use shall have its valve completely protected. In cases where the design of the cylinder does not provide for the valve lying wholly below the level of the cylinder body, a stout metal cap or metal cover securely attached to the cylinder body must be used, the design being such that the cap is nowhere in close proximity to any part of the valve or valve body :

Provided that small cylinders packed in stout cases which will adequately protect the valves need not be provided with caps or covers.

(viii) The pressure in the cylinder shall not exceed 225 pounds per square inch at a temperature of 60 degrees Fahrenheit :

Provided that no cylinder capable when empty of containing one cubic foot of water or more, which has the ends secured to the body by welding only ; and no cylinder in which a porous substance is used without acetone or other solvent shall be charged to a pressure exceeding 150 pounds per square inch at a temperature of 60 degrees Fahrenheit. This condition shall not apply to cylinders used exclusively for marine lighting by an officer appointed in that behalf by Government or by the Conservator of a Major Port.

(ix) Every cylinder capable when empty ofc ontaining one cubic foot of water or more in which the pressure allowed may be 225 pounds per square inch, shall be annealed and every cylinder shall be tested by hydraulic pressure to a pressure of not less than four times the pressure to which the cylinder is to be subjected in use, such hydraulic pressure to be maintained for a period of not less than 15 minutes and no cylinder shall be used which on the first occasion of its being subjected to this test shall show any permanent stretch.

(x) The compression of the acetylene shall be carried out only on such premises as shall have been approved in writing by the Chief Inspector of Explosives in India. Such approval may be withdrawn at any time by that officer.

(xi) No person shall charge with acetylene any cylinder unless he is in possession of full particulars and previous history of such cylinder and has otherwise assured himself that the cylinder complies with the requirements of this notification.

(xii) Whenever a cylinder is charged with acetylene it shall be subjected to a thorough visual examination if the history of the cylinder shows that it has not been subjected to such an examination within the previous twelve months and at

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the same time the valve shall be removed and the condition of the porous substance at the neck of the cylinder ascertained.

(xiii) Every cylinder shall have permanently and conspicuously marked upon it or upon a brassplate soldered to it the name of the manufacturer and the words "Acetylene properly compressed into porous substance" and every cylinder shall bear a label giving the date when it was last charged together with the name of the firm by which it was charged, the address of the last charging station and the maximum pressure allowed in the cylinder. Every cylinder capable when empty of containing one cubic foot of water or more and manufactured after the 1st January 1920, shall have stamped upon it the name or the trade mark of the manufacturer and the serial number of the cylinder.

(xiv) Each charging firm shall keep a record of every cylinder charged by it. This record shall give the following information, namely :—

(*a*) the date of each charging of the cylinder ;

(*b*) the dates upon which solvent has been added ;

(*c*) the dates upon which the cylinder has been thoroughly examined as provided in condition (xii), the results of each such examination, and the name of the person carrying out such examination ; and in the case of cylinders first issued by the firm the tare weight of the cylinder including porous substance and acetone or other solvent, the nature of the solvent the maximum pressure allowed in the cylinder.

The record shall be open to the inspection of the Chief Inspector of Explosives in India, Inspectors and Assistant Inspectors of Explosives.

(xv) Every facility shall be given to the said Chief Inspector, Inspectors and Assistant Inspectors of Explosives to inspect the apparatus and methods by which the cylinders are charged.

M. S. A. HYDARI,

Secy. to the Govt. of India.

NOTIFICATION.

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No. L.D. 301—Legis. 6-52-8, dated Bangalore, 14th May 1952.

Ordered that Notification No. R.S.—9—52-A, R.S.—9—52-B, and INS. IV (3)—19 (52), dated 16th February 1952 of the Employees' State Insurance Corporation prescribing forms for submission of information and return by Principal or immediate employees under the Employees' State Insurance Act, 1948, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government; Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LABOUR.

Employees' State Insurance Corporation

NOTIFICATION.

New Delhi-2, the 16th February 1952.

No. RS/9/52-A.—In exercise of the powers conferred under Section 73E of the Employees' State Insurance Act, 1948, as amended by the Employees' State Insurance (Amendment) Act, 1951, the Employees' State Insurance Corporation has approved forms SC-1 and SC-2 annexed for submission of information and returns by principal or immediate employers. These forms are hereby published for general information.

The Corporation has also decided that further particulars necessary in any particular case or class of cases may be asked for by the Director-General, or if authorised by him, the Insurance Commissioner, the Deputy Insurance Commissioner, a Regional Director or an Assistant Insurance Commissioner.

FORM SC-1

Employees' State Insurance Corporation

1. Name of the Factory .....
2. Full Registered Address .....
   .....
3. (*a*) Telephone No., if any .....
   (*b*) Telegraphic Address, if any .....
4. Location of Factory :
   (*a*) State ..... (*b*) District .....
   (*c*) Town or village ..... (*d*) Nearest Railway Station .....
   (*e*) Name of Road or locality and Municipal No., if any .....
   (*f*) Nearest Post Office where factory is situated .....
   .....

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5. Exact nature of work carried on .....

6. Year of Registration of the Factory under the Factories Act .....

7. Nature of proprietorship (whether Registered Joint Stock Company or individual or partners ownership or private registered company .....
.....

8. Principal employer—

(a) Name of the Manager declared as such for the purposes of the Factories Act [Section 7 (1) (f) of the Factories Act, 1948] .....

(b) Name and address of Managing Agents/Managing Director/owner or occupier .....

(c) If it is a Registered Joint Stock Company, name and address of the Chairman of the Board of Directors .....

(d) Name and Residential address of each of the Directors, if Registered Joint Stock Company .....
.....

9. Whether power is used in the Factory ? .....

10. Is any work carried on through contractors or other immediate employers ? .....

If so—

(i) Nature of work.....

(ii) No. of employees so employed .....

11. Total number of persons employed, including those employed through immediate employers, in the factory :—

(i) Males .....

(ii) Females .....

12. Total number of employees (including those employed through immediate employers), the remuneration of each of whom is Rs. 400 per mensem or less :

(a) Manual workers—

(i) No. of Males .....

(ii) No. of females .....

(iii) Total of (i) and (ii) .....

(b) Clerical or supervisory employees :

(i) No. of Males.....

(ii) No. of females .....

(iii) Total of (i) and (ii) .....

(c) Total No. of employees shown in (a) and (b).....

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13. No. of employees (including those employed through immediate employers), who are paid wages or salaries :—

	Daily	Weekly	Fortnightly	Monthly	Otherwise
(a) Manual worker ...					
Clerical and Supervisory Staff ...					

14. (a) Total amount of wages paid in the preceding month to employees (including those employed through immediate employers), the remuneration of each being Rs. 400 per mensem or less .....

(b) The number of employees to whom the wages in (a) were paid .....

15. If the number against query No. 11 is less than 20, please state whether 20 or more persons were working on any day of the preceding 12 months on the premises of the factory including the precincts thereof .....

I hereby declare that the statement given above is correct to the best of my knowledge and belief.

Signature .....

Designation.....

Date .....

Place.....

FORM SC-2.

Employees' State Insurance Corporation Employers' Quarterly Return.

For the quarter ending.....

Name and registered postal address of the Employer.

.....

.....

.....

EMPLOYERS' CODE NO.

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Location—

(1) Place..... (2) Name of road, and Municipal No. if any .....

(3) Nearest Railway Station ..... (4) Nearest Post Office..... .....

Name of Manager or occupier ....

Serial No. of entry	Wage Period		Particulars of wage rolls (such as class of employees, department, shift, etc.) or serial No., if there be more than one wage roll used in the quarter	Number of employees covered in the wage roll mentioned in col. 3	Total of the wages payable in respect of each of the wage periods, the last day of which falls within the quarter
	From date and month	To date and month			
1	2		3	4	5
					Rs. a. p.
			Grand Total of wages ...		

Total of employers' special contribution at..... ....per cent of the Grand Total of wages (Gross amount payable).

I hereby declare that—

(i) the particulars given overleaf are correct to the best of my knowledge and belief;

(ii) the above statement includes the total of wages as defined in sub-section (22) of section 2 of the Employees' State Insurance Act in respect of every employee as defined in sub-section (9) of section 2 of the Act for the periods mentioned therein and that the amount of Rs.....

(Rupees.....) only has been duly paid into the ....., Bank, ... (Station), *vide* Challan No.....dated.....Place.....

Signature.....Date.....

Designation.....For use in Regional Office;

Received in Regional Office on.....acknowledged by..... on.....Entered in Record Card on..... ...by..... ..... Entered in Ledger Sheet on.....by.....File..... on.....by.....

By order of the Corporation,

C. L. KATIAL,

Director-General.

New Delhi-2, the 16th February 1952.

No. RS/9/52-B.—In exercise of the powers conferred under Section 73E of the Employees' State Insurance Act, 1948, as amended by the Employees' State Insurance (Amendment) Act, 1951, all Principal employers, as defined under the Employees' State Insurance Act, 1948, situated in the Indian Union, excluding the State of Jammu and Kashmir, are hereby required to furnish the information in Form SC-1 within 21 days from the date of issue of the form, to the authority specified in Column 2 hereunder against the State in which the employer's factory is situated.

All Principal employers, as defined under the Employees' State Insurance Act, 1948, situated in the Indian Union, excluding the State of Jammu and Kashmir, are also hereby required to furnish for every quarter ending on the last day of the calendar months of March, June, September and December, return in Form SC-2 within a period of 45 days from the last day of such quarter to the authority specified in Column 2 hereunder against the State in which the employer's factory is situated.

Column No. 1 States	Column No. 2 Authority to whom the information is to be supplied
The States of (*a*) Punjab (I), (*b*) Patiala and East Punjab States Union, (*c*) Rajasthan, (*d*) Himachal Pradesh, (*e*) Delhi, (*f*) Bilaspur, (*g*) Ajmer-Merwara.	Regional Director, Employees' State Insurance Corporation, B-9, Pusa Road, *New Delhi.*
The States of (*a*) Uttar Pradesh, (*b*) Vindhya Pradesh.	Regional Director, Employees' State Insurance Corporation, 7/202, Swarup Nagar, *Kanpur.*
The States of (*a*) Bombay, (*b*) Madhya Pradesh, (*c*) Madhya Bharat, (*d*) Saurashtra, (*e*) Kutch, (*f*) Bhopal.	Regional Director, Employees' State Insurance Corporation, Scheme C, Plot 3, Colaba Road, *Bombay 5.*
The States of (*a*) Madras, (*b*) Hyderabad, (*c*) Mysore, (*d*) Travancore-Cochin, (*e*) Coorg.	Regional Director, Employees' State Insurance Corporation, Jammi Building, Venkatachala Mudali Street, Mylapore, *Madras 4.*
The States of (*a*) West Bengal, (*b*) Assam, (*c*) Bihar, (*d*) Orissa, (*e*) Manipur, (*f*) Tripura.	Regional Director, Employees' State Insurance Corporation, 28, Theatre Road, *Calcutta 16.*

Forms SC-1 and SC-2 are published with Notification No. RS/9/52-A, dated the 16th February 1952, and copies may be obtained from the Regional Director concerned on application.

By order of the Corporation,

C. L. KATIAL,

Director-General.

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New Delhi, the 16th February 1952.

No. INS IV (3) 19/52.—In exercise of the powers conferred by sub-regulation (1) of Regulation 5 of the Employees' State Insurance (General) Regulations, 1950, I hereby determine that, in the case of insured persons in areas where the provisions of Chapters IV and V of the Employees' State Insurance Act, 1948, are brought into force with effect from 24th February 1952, and who are allotted Sets A, B or C of the Contribution and Benefit periods, the first Contribution Period and the first Benefit Period shall begin and end as indicated in the following table :—

Set	Contribution period		Benefit period	
	Begins on midnight of	Ends on midnight of	Begins on midnight of	Ends on midnight of
A	23rd February 1952.	26th July 1952 ...	22nd November 1952.	25th April 1953.
B	23rd February 1952.	27th September 1952.	22nd November 1952.	27th June 1953.
C	23rd February 1952.	31st May 1952 ...	22nd November 1952.	28th February 1953.

C. L. KATIAL,
Director-General.

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PART IV

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATIONS.

No. M. 2622—P.H. 104-51-2, dated Bangalore, 14th May 1952.

In exercise of the powers conferred by sub-section (2), section 1 of the Mysore Prevention of Adulteration Act, 1921, (Mysore Act IX of 1921), His Highness the Maharaja of Mysore is pleased to extend the provisions of the said Act in respect of milk, cream, curd, butter, ghee, coffee and tea to the Municipal limits of Tiptur Town.

By Order of His Highness the Maharaja,

G. N. NAGARAJA RAO,
Secretary to Government,
Home Department.

No. T. 657—R.T. 12-52-3, dated Bangalore, 13th May 1952.

In exercise of the powers conferred by Sections 8 and 17 of the Mysore Motor Vehicles Taxation and Tolls Act, 1951 (Act XII of 1951), His Highness the Maharaja of Mysore is pleased to exempt the three motor vehicles noted below in the personal use of His Highness the Maharaja of Jodhpur from the payment of taxes and tolls leviable in Mysore State under the said Act, during their journey from Jodhpur to Ootacamund in the months of May and June 1952 and during the return journey from Ootacamund to Jodhpur:—

Jodhpur No. 11.
Jodhpur No. 61.
Jodhpur No. 48.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

No. Fl. 2351—B.T. 1-52-1, Bangalore dated 21st May 1952.

In exercise of the powers conferred by Sections 3 and 6 of the Betting Tax Act, 1932 (Mysore Act No. IX of 1932) and in supersession of Notification No. Fl. 3904—B.T. 2-51-2, dated the 5th October 1951, His Highness the Maharaja of Mysore is pleased to direct that the rate of totalisator and betting taxes to be charged and levied under the said Act shall be fifteen per cent.

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,
Finance Department.

No. W. 10, dated Bangalore, the 14th May 1952.

In exercise of the powers conferred by Section 1 (2) of the Mysore House Rent and Accommodation Control Act, 1951 (Mysore Act XXX of 1951), His Highness the Maharaja of Mysore is pleased to direct that the provisions of the said Act shall extend to Sira Town in Tumkur District, with effect from the 1st of June 1952.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Secretary to Government,
Law Department.

No. S.D. 1034—C. 86-51-35, dated Bangalore, 15th May 1952.

In exercise of the powers conferred by sub-section 1 of Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946), read with the Government of India, Ministry of Food Notification No. S.R.O. 703, dated 4th October, 1950 and subject to the concurrence of the Government of India and in partial modification of Government Notification No. S.D. 144—C. 86-51-19, dated 9th April, 1952, His Highness the Maharaja is pleased to revise and fix the sale price of wheat at two seers per rupee or eight annas a seer in the Mysore State.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,
Food and Agriculture Departments.

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PART IV

Section—1-A.

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. L.D. 2302—Legis. 3-51-42, Bangalore, dated 8th March 1952.

Ordered that the Report of the Select Committee on the Presidential and Vice-Presidential Elections Bill, 1952 (Central Bill No. 1 of 1952), published in the *Gazette of India*, Part II, Section 2, dated the 23rd February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

New Delhi, the 8th May 1952.

The following Report of the Select Committee on the Bill to regulate certain matters relating to or connected with elections to the offices of President and Vice-President of India, was presented to Parliament on the 15th February 1952 :—

WE, the undersigned members of the Select Committee to which the Bill to regulate certain matters relating to, or connected with, elections to the offices of President and Vice-President of India was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

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2. Upon the changes proposed by us which are not formal or consequential we note below.

Clause 2.—We have inserted definitions of "elector" and "Returning Officer" for convenience of reference.

Clause 3.—We are of the opinion that the Returning Officer should be appointed by the Election Commission in consultation with the Central Government and that the Returning Officer should have his office in New Delhi. We have recast sub-clause (1) of this clause accordingly.

Clause 4.—We consider that at a Presidential election the poll should be taken on the same day throughout the States subject to provision being made in the rules for repoll or adjourned poll in a State in any unforeseen contingency. We also consider that the period between the last date for the withdrawal of candidatures and poll should not be less than fifteen days. We have accordingly proposed necessary changes in paragraph (d) of sub-clause (1) of this clause.

Clause 5.—We think that both at the Presidential election and the Vice-Presidential election the nomination paper of a candidate should be subscribed by the candidate himself as assenting to the nomination and by two electors as proposer and seconder, and that this provision should not be left to be prescribed by rules but should be included in the Bill itself. We have accordingly suggested an addition to clause 5 of the Bill.

Clause 6.—We do not consider the proviso to sub-clause (1) of this clause to be necessary and have accordingly omitted it.

Old Clause 7.—We think it hardly necessary to provide for the appointment of election agents in the Bill as the principal duty of an election agent is to keep accounts regarding the election and to prepare and sign the return of election expenses and we do not consider it necessary to provide for the return of election expenses in the case of a Presidential or a Vice-Presidential election. We have accordingly omitted clause 7.

Clauses 7 and 8 (old clauses 8 and 9).—We have omitted the references to the Central Government from both these clauses as being unnecessary.

Clause 13 (old clause 14).—We have omitted the definitions of "agent" and "electoral right", in view of the changes which we have proposed in the remaining provisions of the Bill.

Clause 14 (old clause 15).—We think that an election petition should not be allowed to be presented by a single elector but should be presented either by a candidate at the election or by not less than 10 electors joined together as petitioners. We also think that a period of 30 days from the date of publication of the result of the election should be prescribed in sub-clause (3) of this clause as the period within which an election petition could be presented. We have revised sub-clauses (2) and (3) of this clause accordingly.

Clause 18 (old clause 19).—We consider that the procedure prescribed in this clause should be simplified. We are of the opinion that it will suffice if the grounds for the declaration of an election to be void for corrupt practices are confined to cases where the offences of bribery and undue influence as defined in Chapter IX-A of the Indian Penal Code are committed and we do not think it necessary to refer to any other corrupt practices in this clause. We have recast this clause accordingly.

Clause 19 (old clause 20).—We have omitted sub-clause (b) of this clause as we consider that in the case of an election conducted in accordance with the system of proportional representation by means of the single transferable vote it will be difficult to give effect to the provisions of that sub-clause.

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Part IV (old clauses 22 and 23.)—We consider it quite unnecessary to apply all the provisions relating to corrupt practices and electoral offences mentioned in this Part (except in so far as provisions have been made in the new clause 22) to a Presidential or a Vice-Presidential election. We have accordingly omitted this Part.

Clause 21 (old clause 24).—We have omitted paragraph (g) of sub-clause (2) of this clause in view of the omission of old clause 7.

Clause 22 is new. We have inserted it to make provisions for the maintenance of secrecy of voting on the lines of section 128 of the Representation of the People Act, 1951.

3. The bill was published in Part II, Section 2 of the *Gazette of India* dated the 26th January, 1952.

4. We think that the Bill has not been so altered as to require circulation under rule 77 (4) of the Rules of Procedure and Conduct of Business in Parliament, and we recommend that it be passed as now amended.

SYAMA PRASAD MOOKERJEE.
KAILAS NATH KATJU.
TEK CHAND.
K. T. SHAH.
NAZIRUDDIN AHMAD.
GOKULBHAI D. BHATT.
JOACHIM ALVA.
G. DURGABAI.
L. K. BHARATI.
B. PATTABHISITARAMAYYA.
R. VENKATARAMAN.
AMOLAKH CHAND.
B. DAS.
H. V. KAMATH.

NEW DELHI,

The 15th February, 1952.

(AS AMENDED BY THE SELECT COMMITTEE).

(Words sidelined or underlined indicate the amendments suggested by the Committee ; asterisks indicate the omissions.)

BILL NO. 1 OF 1952.

A Bill to regulate certain matters relating to or connected with elections to the offices of President and Vice-President of India.

BE it enacted by Parliament as follows :—

PART I.

PRELIMINARY.

1. Short title.—This Act may be called the Presidential and Vice-Presidential Elections Act, 1952.

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2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "article" means an article of the Constitution;

(b) "election" means a Presidential election or Vice-Presidential election;

(c) "Election Commission" means the Election Commission appointed by the President under article 324;

(d) "elector", in relation to a Presidential election, means a member of the electoral college referred to in article 54, and in relation to a Vice-Presidential election, means a member of either House of Parliament;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "Presidential election" means an election to fill the office of the President of India;

(g) "Returning Officer" includes an Assistant Returning Officer performing any function which he is authorised to perform under sub-section (2) of section 3;

(h) "Vice-Presidential election" means an election to fill the office of the Vice-President of India.

PART II.

CONDUCT OF PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS.

3. Returning Officer and his assistants.—(1) For the purposes of each election the Election Commission shall, in consultation with the Central Government, appoint a Returning Officer who shall have his office in New Delhi and may also appoint one or more Assistant Returning Officers.

(2) Subject to rules made under this Act, every Assistant Returning Officer shall be competent to perform all or any of the functions of the Returning Officer.

4. Appointment of dates for nominations, etc.—(1) The Election Commission shall, by notification in the Official Gazette, appoint for every election—

(a) the last date for making nominations which shall be a date not later than the fourteenth day and not earlier than the eighth day after the date of publication of the notification under this sub-section;

(b) a date for the scrutiny of nominations which shall be a date not later than the third day after the last date for making nominations;

(c) the last date for the withdrawal of candidatures which shall be the third day after the date for the scrutiny of nominations;

(d) the date * * on which a poll shall, if necessary, be taken, which * * * * shall be a date not earlier than the fifteenth day after the last date for the withdrawal of candidatures.

(2) In the case of the first Presidential and Vice-Presidential elections, the notifications under sub-section (1) shall be issued as soon as may be after both Houses of Parliament have been * constituted.

(3) In the case of an election to fill a vacancy caused by the expiration of the term of office of the President or Vice-President, the notification under sub-section (1) shall be issued on, or as soon as conveniently may be after, the sixtieth day before the expiration of the term of office of the outgoing President or Vice-President, as the case may be, and the dates shall be so appointed under the said sub-section that the election will be completed at such time as will enable the President or the Vice-President thereby elected to enter upon his office on the day following the

expiration of the term of office of the outgoing President or Vice-President, as the case may be.

(4) In the case of an election to fill a vacancy in the office of President or Vice-President occurring by reson of his death, resignation or removal or otherwise, the notification under sub-section (1) shall be issued as soon as may be after the occurrence of such vacancy.

5. Nomination of candidates.—(1) Any person may be nominated as a candidate for election to the office of President or Vice-President if he is qualified to be elected to that office under the Constitution.

(2) Each candidate shall be nominated by a nomination paper completed in the prescribed form and subscribed by the candidate himself as assenting to the nomination and by two electors as proposer and seconder.

* * * * *

6. Withdrawal of candidature.—(1) Any candidate may withdraw his candidature by a notice in writing in the prescribed form subscribed by him and delivered before three o'clock in the afternoon on the date fixed under clause (c) of sub-section (1) of section 4, to the Returning Officer either by such candidate in person or by his proposer or seconder who has been authorised in this behalf in writing by such candidate.

* * * * *

(2) No person who has given a notice of withdrawal of his candidature under sub-section (1) shall be allowed to cancel the notice.

(3) The Returning Officer shall, on receiving a notice of withdrawal under sub-section (1), as soon as may be thereafter, cause a notice of the withdrawal to be affixed in some conspicuous place in his office.

* * * * *

7. Death of candidate before poll.—If a candidate who has been duly nominated under this Act dies after the date fixed for the scrutiny of nominations and a report of his death is received by the Returning Officer before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Election Commission * * * * , and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election:

Provided that no further nomination shall be necessary in the case of a candidate whose nomination was valid at the time of the countermanding of the poll:

Provided further that no person who has under sub-section (1) of section 6 given a notice of withdrawal of his candidature before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

8. Procedure in contested and uncontested elections.—If after the expiry of the period within which candidatures may be withdrawn under sub-section (1) of section 6—

(a) there is only one candidate who has been validly nominated and has not withdrawn his candidature in the manner and within the time specified in that sub-section, the Returning Officer shall forthwith declare such candidate to be duly elected to the office of President or Vice-President, as the case may be;

(b) the number of candidates who have been duly nominated but have not so withdrawn their candidatures exceeds one, the Returning Officer shall forthwith publish in such form and manner as may be prescribed a list containing

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the names in alphabetical order and addresses of candidates as given in the nomination papers, together with such other particulars as may be prescribed, and a poll shall be taken;

(c) there is no candidate who has been duly nominated and has not so withdrawn his candidature, the Returning Officer shall report the fact to the Election Commission * * * * and thereafter all the proceedings in relation to the election shall be commenced afresh and for that purpose the Election Commission shall cancel the notification issued under sub-section (1) of section 4 in respect of such election and issue another notification under that sub-section appointing schu dates referred to in that sub-section for the purposes of such fresh election.

9. Manner of voting at elections.—At every election where a poll is taken, votes shall be given by ballot in such manner as may be prescribed, and no votes shall be received by proxy.

10. Counting of votes.—At every election where a poll is taken, votes shall be counted by, or under the supervision of, the Returning Officer, and each candidate and one representative of each candidate authorised in writing by the candidate shall have a right to be present at the time of counting.

11. Declaration of results.—When the counting of the votes has been completed, the Returning Officer shall forthwith declare the result of the election in the manner provided by this Act or the rules made thereunder.

12. Report of the result.—As soon as may be after the result of an election has been declared, the Returning Officer shall report the result to the Central Government and the Election Commission, and the Central Government shall cause to be published in the Official Gazette the declaration containing the name of the person elected to the office of President or Vice-President, as the case may be.

PART III.

DISPUTES REGARDING ELECTIONS.

13. Definitions.—In this Part * * * unless the context otherwise requires—

* * * *

(a) "candidate" means a person who has been or claims to have been duly nominated as a candidate at an election, and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect, he began to hold himself out as a prospective candidate;

(b) "costs" means all costs, charges and expenses of or incidental to, a trial of an election petition;

(c) "returned candidate" means a candidate whose name has been published under Section 12 as duly elected.

14. Election petitions.—(1) No election shall be called in question except by an election petition presented to the Supreme Court in accordance with the provisions of this Part and of the rules made by the Supreme Court under Article 145.

(2) An election petition calling in question an election may be presented on one or more of the grounds specified in sub-section (1) of Section 18 and Section 19 to the Supreme Court by any candidate at such election or by ten or more electors joined together as petitioners.

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(3) Any such petition may be presented at any time after the date of publication of the declaration containing the name of the returned candidate at the election under Section 12 but not later than thirty days from the date of such publication.

15. Form of petitions, etc., and procedure.—Subject to the provisions of this Part, rules made by the Supreme Court under Article 145 may regulate the form of election petitions, the manner in which they are to be presented, the persons who are to be made parties thereto, the procedure to be adopted in connection therewith and the circumstances in which petitions are to abate, or may be withdrawn, and in which new petitioners may be substituted, and may require security to be given for costs.

16. Relief that may be claimed by the petitioner.—A petitioner may claim either of the following declarations:—

(*a*) that the election of the returned candidate is void;

(*b*) that the election of the returned candidate is void and that he himself or any other candidate has been duly elected.

17. Orders of the Supreme Court.—(1) At the conclusion of the trial of the election petition, the Supreme Court shall make an order—

(*a*) dismissing the election petition; or

(*b*) declaring the election of the returned candidate to be void; or

(*c*) declaring the election of the returned candidate to be void and the petitioner or any other candidate to have been duly elected.

(2) At the time of making an order under sub-section (1), the Supreme Court shall also make an order fixing the total amount of costs payable and specifying the persons by and to whom costs shall be paid.

18. Grounds for declaring the election of a returned candidate to be void.—(1) If the Supreme Court is of opinion—

(*a*) that the offence of bribery or undue influence at the election has been committed by the returned candidate or by any person with the connivance of the returned candidate; or

(*b*) that the result of the election has been materially affected—

(*i*) by reason that the offence of bribery or undue influence at the election has been committed by any person who is neither the returned candidate nor a person acting with his connivance, or

(*ii*) by the improper acceptance or rejection of any nomination, or

(*iii*) by the improper reception or refusal of a vote, or

(*iv*) by any non-compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act,

the Supreme Court shall declare the election of the returned candidate to be void.

(2) For the purposes of this section, the offences of bribery and undue influence at an election have the same meaning as in Chapter IX-A of the Indian Penal Code (Act XLV of 1860).

19. Grounds for which a candidate other than the returned candidate may be declared to have been elected.—If any person who has lodged an election petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the Supreme Court is of opinion that in fact the petitioner or such other candidate received a majority of the valid votes, the Supreme Court shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.

20. Transmission of orders to the Central Government and its publication.—The Supreme Court shall, after announcing the orders made under Section 17, send a copy thereof to the Central Government, and on receipt of such copy the Central Government shall forthwith cause the order to be published in the Official Gazette.

* * *

PART IV.

MISCELLANEOUS.

21. Power to make rules.—(1) The Central Government may, after consulting the Election Commission, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the maintenance of a list of members of the electoral college referred to in Article 54 with their addresses corrected up to date for the purposes of Presidential elections;

(*b*) the maintenance of a list of members of both Houses of Parliament with their addresses corrected up to date for the purposes of Vice-Presidential elections;

(*c*) the powers and duties of a Returning Officer and the performance by any officer appointed to assist the Returning Officer of any function of the Returning Officer;

(*d*) the form and manner in which nominations may be made and the procedure to be followed in respect of the presentation of nomination papers;

(*e*) the scrutiny of nominations and, in particular, the manner in which such scrutiny shall be conducted and the conditions and circumstances under which any person may be present or may enter objections thereat;

(*f*) the publication of a list of valid nominations;

x x x

(*g*) the place and hours of polling, the manner in which votes are to be given and the procedure as to voting to be followed at elections;

(*h*) the scrutiny and counting of votes including cases in which a re-count of the votes may be made before the declaration of the result of the election;

(*i*) the safe custody of ballot boxes, ballot papers and other election papers, the period for which such papers shall be preserved and the inspection and production of such papers;

(*j*) any other matter required to be prescribed by this Act.

22. Maintenance of secrecy of voting.—(1) Every officer, clerk or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

23. Jurisdiction of civil courts barred.—Save as provided in Part III, no civil court shall have jurisdiction to question the legality of any action taken or of any decision given by the Returning Officer or by any other person appointed under this Act in connection with an election.

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GOVERNMENT OF MYSORE.

Legislative Department.

NOTIFICATION.

No L D. 2301—Legis. 3-51-41, dated Bangalore, 8th March 1952.

Ordered that the Report of the Select Committee on the Indian Standards Institution (Certification Marks) Bill, 1952 (Central Bill No. 2 of 1951), published in the *Gazette of India*, Part II, Section 2, dated the 23rd February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

The following Report of the Select Committee on the Bill to provide for the standardisation and marking of goods, was presented to Parliament on the 15th February 1952:—

We, the undersigned, members of the Select Committee to which the Bill to provide for the standardisation and marking of goods was referred, have considered the Bill, and have now the honour to submit this our report, with the Bill as amended by us annexed thereto,

Upon the changes proposed by us, which are not formal or consequential, we note as follows :—

Clause 2.—We think that the definition of "mark" should include "pictorial representation" also and we have accordingly amended clause 2(g).

Apart from the regulations which the Institution may make, we think that the rule-making power should be vested in the Central Government, Clause 2(h) has accordingly been amended.

It may not generally be possible to mark any process with the Standard Mark and we have omitted the words "or process" in clause 2(n).

Clause 3.—We consider that it is not necessary to vest the Institution with powers of search and seizure. We have accordingly omitted the existing part (f) and inserted a new part. We have also made slight drafting changes in parts (b) and (e).

We are of opinion that for the proper development of the export market of India, it is necessary to standardise articles of export and we recommend that such articles should, as far as practicable, be standardised.

Clause 4.—The existing clause provided for the constitution of the Certification Marks Division Council. We do not consider it necessary to provide for such constitution in the Bill.

The setting up of an effective machinery to deal with the question of marking of goods with Standard Mark may be left to the Institution and the rule-making power of the Central Government. We have therefore omitted the existing clause 4 and inserted a new clause to provide for the authentication of orders and instruments issued by the Institution.

Clause 6.—The word "Standard" is a common expression found in the names of many firms and companies and we do not consider it proper to prohibit the use of this expression. We have accordingly amended sub-clause (1) and omitted sub-clause (2) as being unnecessary.

Clause 8.—We have made slight drafting changes in sub-clause (1).

In part (b) of sub-clause (2), we have provided that Inspectors may also take samples of any articles and have made slight drafting changes in this part.

Parts (*c*) to (*g*) of sub-clause (2), vested the Inspectors with what may be called "police powers". They were vested with powers of entry, search and seizure and also with powers to examine any person. We consider that it is not necessary to vest the Inspector with such powers. We have accordingly omitted parts (*c*) to (*g*) of this sub-clause.

We have omitted sub-clause (3) as being unnecessary.

In order that inspection may be effectively done, we recommend that experts with technical qualifications should be appointed as Inspectors in suitable cases.

Clause 9.—We think that the Institution should not demand returns and reports from licensees. All that it may require is certain information. We have re-drafted the clause accordingly.

Clause 10.—We are of opinion that power of delegation should not be vested in the Institution. Such power should be vested in the Central Government. We have accordingly amended clause 10.

Clause 11.—Under the existing provisions of the Bill, appeal lay in certain cases to the Institution and in other cases, to the Central Government. We think that in all cases, appeal should lie directly to the Central Government. We have re-drafted the clause accordingly.

Clause 12.—The changes made in this clause are merely consequential.

Clause 13.—We have omitted sub-clause (1) as being unnecessary and made consequential changes in sub-clauses (2) and (3).

We also think that the maximum amount of fine leviable should be increased from five thousand rupees to ten thousand rupees.

Clause 15.—We think that the Government should also be empowered along with the Institution to launch prosecutions. We have amended the clause accordingly.

Clause 17.—We have re-drafted this clause to make the intention clear.

New Clause 19.—The Indian Standards Institution was set up under a Resolution of the Government of India and its constitution is regulated under the Societies Registration Act, 1860. We are of opinion that the Central Government should have powers to amend, if necessary, the constitution and composition of the Institution. We have accordingly inserted this new clause to provide that the Central Government may, if satisfied that public interest so requires, issue general instructions to the Institution and such instructions may include directions to make or amend any bye-law relating to the composition of the Governing Body or other committees of the Institution and its powers and functions. The Institution should not depart from any general instructions issued by the Central Government.

New Clause 20 (original clause 19).—We are of opinion that the rule-making power should lie with the Central Government. We have accordingly amended this clause and have also made certain consequential changes.

New clause 21 (original clause 20).—While the rule-making power in all important matters should lie with the Central Government, we consider that the Institution should be vested with powers to make regulations in respect of matters of details for carrying out the day to day administration. We have accordingly inserted this new clause.

2. The Bill was published in the *Gazette of India* Extraordinary, Part II, section 2, dated 3rd February, 1951.

3. We think that the Bill has not been so altered as to require circulation under Rule 77(4) of the Rules of Procedure and Conduct of Business in Parliament, and we recommend that it be passed as now amended.

D. P. KARMARKAR
MONO MOHON DAS
J. N. HAZARIKA
*P. K. LAKSHMANAN
RADHELAL VYAS
B. P. JHUNJHUNWALA
R. K. SIDHVA
SYAMNANDAN SAHAYA
TEK CHAND
BRAJA KISHORE PRASAD SINHA
MAHESWAR NAIK
*ARUN CHANDRA GUHA

NEW DELHI,

The 15th February, 1952.

MINUTES OF DISSENT

I

The idea underlying the marking of an article with the Indian Standard Mark as is stated in the statement of Objects and Reasons appended to the Bill is to convey an assurance to the purchaser that the goods or services so marked have been inspected, tested and certified by some agency of competence and that they may be purchased with more than ordinary assurance that certain standards of quality have been met. This imposes a heavy responsibility on the Indian Standards Institution to see that no spurious article bearing the certification mark get into the market. This responsibility cannot adequately be discharged unless the Institution is vested with powers of search and seizure as is sought to be done under part (f) of clause 3 and parts (*c*) to (*g*) of clause 8. I am firmly of the opinion that the deletion of these powers will have the effect of defeating the very purpose of the measure. Subject to these observations I agree with the report.

P. K. LAKSHMANAN.

NEW DELHI,

The 15th February, 1952.

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* Subject to a Minute of Dissent.

The language used in clause 10 of the Bill seems to me vague and ambiguous. I think it has not been the intention of the Select Committee to restrict the selection of competent authority only to persons or organisations belonging to or connected with any industry. At least my purpose was to make the scope much wider so as to include independent experts such as professors, engineers, technicians and independent scientific academicians and institutions. I hope the language would be made clear on this point.

ARUN CHANDRA GUHA.

NEW DELHI,

The 15th February, 1952.

(AS AMENDED BY THE SELECT COMMITTEE)

(Words sidelined or underlined indicate the amendments suggested by the Committee; asterisks indicate the omissions.)

BILL NO. 2 OF 1951.

A Bill to provide for the standardisation and marking of goods.

BE it enacted by Parliament as follows:—

1. Short title and extent.—(*1*) This Act may be called the Indian Standards Institution (Certification Marks) Act, 1952.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "article" means (as respects standardisation and marking) any substance, artificial or natural, or partly artificial or partly natural, whether raw or partly or wholly processed or manufactured;

(*b*) "covering" includes any stopper, cask, bottle, vessel, box, crate, cover, capsule, case, frame, wrapper or other container;

(*c*) "Indian Standard" means the standard (including any tentative or provisional standard) established and published by the Indian Standards Institution, in relation to any article or process, indicative of the quality and specification of such article or process;

(*d*) "Inspector" means an Inspector appointed under section 8;

(*e*) "Institution" means the Indian Standards Institution set up under the Resolution of the Government of India in the late Department of Industries and Supplies No. 1 Std. (4)/45, dated the 3rd day of September, 1946, and registered under the Societies Registration Act, 1860 (XXI of 1860);

(*f*) "licence" means a licence granted under this Act to use the Indian Standards Institution Certification Mark, in relation to any article or process which conforms to the Indian Standard;

(*g*) "mark" includes a device, brand, heading, label, ticket, pictorial representation, name, signature, word, letter or numeral or any combination thereof;

(*h*) "prescribed" means prescribed by rules or regulations made under this Act;

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(*i*) "process" includes any practice, treatment and mode of manufacture of any article;

(*j*) "registering authority" means any authority competent under any law for the time being in force to register any company, firm or other body of persons, or any trade mark or design, or to grant a patent;

(*k*) "specification" means a description of an article or process as far as practicable by reference to its nature, quality, strength, purity, composition, quantity, dimensions, weight, grade, durability, origin, age, material, mode of manufacture, or other characteristics to distinguish it from any other article or process;

(*l*) "Standard Mark" means the Indian Standards Institution Certification Mark specified by the Indian Standards Institution to represent a particular Indian Standard;

(*m*) "trade mark" means a mark used or proposed to be used in relation to goods for the purpose of indicating, or so as to indicate, a connection in the course of trade between the goods and some person having the right, either as proprietor or as registered user, to use the mark, whether with or without any indication of the identity of that person;

(*n*) an article * * is said to be marked with a Standard Mark if the article * * itself is marked with a Standard Mark or any covering containing, or label attached to, such article is so marked.

3. Powers and duties of the Institution.—The Institution may exercise such powers and perform such duties as may be assigned to it by or under this Act, and, in particular, such powers include power to—

(*a*) establish and publish, in such manner as may be prescribed, the Indian Standard in relation to any article or process;

(*b*) specify a Standard Mark to be called the Indian Standards Institution Certification Mark, which shall be of such design and contain such particulars as may be prescribed to represent a particular Indian Standard;

(*c*) grant, renew, suspend or cancel, in such manner as may be prescribed, a licence for the use of the Standard Mark;

(*d*) levy such fees for the grant or renewal of any licence as may be prescribed;

(*e*) make such inspection and take such samples of any material or substance as may be necessary to see whether any article or process in relation to which the Standard Mark has been used conforms to the Indian Standard or whether the Standard Mark has been improperly used in relation to any article or process with or without licence;

(*f*) do such other acts as may be prescribed.

4. Authentication of orders and other instruments of the Institution.—All orders and decisions of, and all other instruments issued by the Institution shall be authenticated by the signature of such officer or officers as may be authorised by the Institution in this behalf.

5. Prohibition of improper use of Standard Mark.—(1) No person shall use in relation to any article or process, or in the title of any patent, or in any trade mark or design the Standard Mark or any colourable imitation thereof, except under a licence granted under this Act.

(2) No person shall, notwithstanding that he has been granted a licence, use in relation to any article or process the Standard Mark or any colourable imitation thereof unless such article or process conforms to the Indian Standard.

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6. Prohibition of use of certain names, etc.—* * * No person shall except in such cases and under such conditions as may be prescribed use without the previous permission of the Institution,—

(a) any name which so nearly resembles the name of the Indian Standards Institution as to deceive or likely to deceive the public or which contains the expression x x "Indian Standard" or any x x abbreviation thereof; or

(b) any mark or trade mark in relation to any article or process containing the expressions * * "Indian Standard" or "Indian Standard specification" or any * * abbreviation of such expressions.

* * * * * *

7. Prohibition of registration in certain cases.—(1) Notwithstanding anything contained in any law for the time being in force, no registering authority shall——

(a) register any company, firm or other body of persons which bears any name, or

(b) register a trade mark or design which bears any name or mark, or

(c) grant a patent, in respect of an invention, which bears a title containing any name or mark,

if the use of such name or mark is in contravention of section 5 or section 6.

(2) If any question arises before a registering authority whether the use of any name or mark is in contravention of section 5 or section 6, the registering authority may refer the question to the Central Government whose decision thereon shall be final.

8. Inspectors.—(1) The Institution may appoint as many Inspectors as may be necessary for the purpose of inspecting whether any article or process in relation to which the Standard Mark has been used conforms to the Indian Standard or whether the Standard Mark has been improperly used in relation to any article or process with or without licence, and for the purpose of performing such other functions as may be assigned to them.

(2) Subject to any rules made under this Act, an Inspector shall have power to—

(a) inspect any operation carried on in connection with any article or process in relation to which the Standard Mark has been used;

(b) take samples of any article, or of any material or substance used in any article or process, in relation to which the Standard Mark has been used;

* * * * * *

(c) exercise such other powers as may be prescribed.

(3) Every Inspector shall be furnished by the Institution with a certificate of appointment as an Inspector, and the certificate shall, on demand, be produced by the Inspector.

9. Power to obtain information, etc.—Every licensee shall supply the Institution with such information, and with such samples of any material or substance used in relation to any article or process, as the Institution may require.

10. Power to authorise the competent authority.—(1) The Central Government may, in consultation with the Institution, by notification in the Official Gazette, direct that any power exercisable by the Institution by or under this Act shall, in relation to such matters and subject to such conditions as may be specified in the

direction, be exercisable also by such authority or such organisation of any industry as may be specified in the notification (hereinafter referred to as the 'competent authority').

(2) For avoidance of doubts, it is hereby declared that the Central Government may, by a like notification, withdraw the powers delegated to a competent authority under sub-section (1).

11. Appeals.—(1) Any person aggrieved by an order passed under clause (*e*) of section 3, whether by the Institution or by a competant authority, may prefer an appeal to the Central Government.

(2) The appeal shall be presented in such form and manner and within such time as may be prescribed.

(3) The Central Government shall, in dealing with appeals under this section, follow such procedure as may be prescribed.

12. Certain matters to be kept confidential.—Any information obtained by an Inspector, competent authority, or the Institution from any statement made or information supplied or in any evidence given or from inspection made under the provisions of this Act shall be treated as confidential:

Provided that nothing in this section shall apply to the disclosure of any information for the purpose of prosecution under this Act.

13. Penalty for improper use of Standard Marks, etc.—(1) Any person * * * who contravenes the provisions of section 5 or section 6 shall be punishable with fine which may extend to ten thousand rupees.

(2) Any court trying a contravention under sub-section (1) * * * may direct that any property in respect of which the contravention has taken place shall be forfeited to the Government.

14. Penalty for o her offences.—Whoever contravenes any of the provisions of this Act or of any rules made thereunder shall, if no other penalty is elsewhere provided by or under this Act for such contravention, be punishable with fine which may extend to one thousand rupees.

15. Cognizance of offences by courts.—(1) No court shall take cognizance of any offence punishable under this Act, save on complaint made by or under the authority of the Government or the Institution or by an officer empowered in this behalf by the Government or the Institution.

(2) No court inferior to that of a presidency magistrate or a magistrate of the first class specially empowered in this behalf shall try any offence punishable under this Act.

16. Protection of action taken under this Act.—No suit, prosecution or other legal proceeding shall lie against the Central Government or the Institution or any person acting under the authority of the Central Government or the Institution for anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or regulation made thereunder.

17. Act not to affect the operation of certain Acts.—Nothing in this Act shall affect the operation of the Agricultural Produce (Grading and Marking) Act, 1937 (I of 1937) or the Drugs Act, 1940 (XXIII of 1940).

18. Savings.—Nothing in this Act shall exempt any person from any suit or other proceeding which might, apart from this Act, be brought against him.

19. Directions by the Central Government.—(*1*) The Central Government may, if satisfied that the public interest so requires, by order in writing for reasons to be stated therein, give to the Institution general instructions to be followed by the

Institution and such instructions may, notwithstanding anything contained in the Societies Registration Act, 1860 (XXI of 1860), include directions to make or amend any bye-law relating to the composition of the Governing Body or other Committees of the Institution and its powers and functions in such form and within such period as may be specified in the order.

(2) In the exercise of its powers and performance of its duties, the Institution shall not depart from any general instructions issued under sub-section (1).

Explanation.—In this section, the expression "bye-law" includes all rules, or regulations (by whatever name called) which the Institution is competent to make in the exercise of the powers conferred on it under the Societies Registration Act, 1860.

20. Power to make rules.—(1) The Central Government may, subject to the condition of previous publication, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the procedure and manner in which the Indian Standard, in relation to any article or process, may be established and published;

(b) the design of the Standard Mark in relation to each Indian Standard and the particulars which a Standard Mark may contain;

(c) authorisation of competent authority under section 10;

(d) the manner in which, and the conditions subject to which, a licence to use the Standard Mark may be granted, renewed, suspended or cancelled;

(e) the levy of fees for the grant or renewal of any licence;

(f) the mode of inspection by the Institution and the manner in which samples may be taken by it;

* * * * *

(g) the * * powers and functions of the Institution;

(h) the cases in which, and the circumstances under which, exemption may be granted from the prohibition contained in section 6;

(i) the powers of Inspectors;

(j) the form and manner in which and the time within which appeals may be preferred; the procedure to be followed in hearing appeals;

(k) the forms to be used under this Act;

(l) any other matter which has to be, or may be, prescribed under this Act.

(3) In making any rule under this section, the Central Government may provide that a breach thereof shall be punishable with fine which may extend to one thousand rupees.

21. Power to make regulations.—(1) The Institution may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations, not inconsistent with this Act and the rules made thereunder, to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the matters specified in clauses (a), (b) and (f) of sub-section (2) of section 20.

M. N. KAUL,
Secretary.

NOTIFICATION.

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No. L.D. 2311—Legis. 3-51-51, dated Bangalore, the 8th March 1952.

Ordered that the Indian Boilers (Amendment) Bill, 1952 (Central Bill No. 10 of 1952) published in the *Gazette of India*, Part II, Section 2, dated the 23rd February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA-RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

Bills and Reports of Select Committees on Bills.

PARLIAMENT OF INDIA.

The following Bills were introduced in Parliament on the 13th February, 1952 :—

BILL NO. 10 OF 1952.

A Bill further to amend the Indian Boilers Act, 1923.

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Indian Boilers (Amendment) Act, 1952.

2. **Amendment of Section 2B, Act V of 1923.**—In section 2B of the Indian Boilers Act, 1923, the words, brackets, letters and figures "clause (*e*) of section 6, clauses (*c*) and (*d*) of section 11, clause (*d*) of section 29", shall be omitted.

STATEMENT OF OBJECTS AND REASONS.

Economisers do not form an integral part of boilers and hence the provisions of the Indian Boilers Act, 1923, as originally enacted, relating to registration and inspection of boilers, did not apply to economisers. A serious explosion to an economiser which occurred in Bombay demonstrated the necessity of providing for the inspection, etc., of economisers and accordingly in 1947 a new section 2B was inserted in the Indian Boilers Act which enabled the Central Boilers Board to make regulations for regulating the registration and inspection of economisers. The amendment, however, did not make it possible for rules to be framed so that the economisers could be placed in charge of persons holding a certificate of competency. Thus under the existing provisions of the Act a boiler attendant must be the holder of a certificate of competency, but no such certificate of competency can be prescribed for handling economisers.

It is proposed to provide that economisers also should be in charge of persons holding certificate of competency. The Bill seeks to give effect to the above proposal.

NEW DELHI;
The 8th February, 1952.

N. V. GADGIL.

NOTIFICATION.

No. L.D. 2310—Legis. 3-51-50, dated Bangalore, 8th March 1952.

Ordered that the Inflammable Substances Bill, 1952 (Central Bill No. 13 of 1952) published in the *Gazette of India*, Part II, Section 2, dated 23rd February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

The following Bills were introduced in Parliament on the 14th February, 1952 :—

BILL NO. 13 OF 1952.

A Bill to declare certain substances to be dangerously inflammable and to provide for the regulation of their import, transport, storage and production by applying thereto the Petroleum Act, 1934, and the rules thereunder, and for certain matters connected with such regulation.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Inflammable Substances Act, 1952.

2. Definitions.—In this Act,—

(*a*) "dangerously inflammable substance" means any liquid or other substance declared to be dangerously inflammable by this Act;

(*b*) "Petroleum Act" means the Petroleum Act, 1934 (XXX of 1934).

3. Declaration of certain substances to be dangerously inflammable.—The liquids and other substances hereinafter mentioned, namely :—

(1) acetone,
(2) calcium phosphide,
(3) carbide of calcium,
(4) cinematograph films having a nitro-cellulose base,
(5) ethyl alcohol,
(6) methyl alcohol,
(7) wood naphtha,

are hereby declared to be dangerously inflammable.

4. Power to apply Petroleum Act to dangerously inflammable substances.—(1) The Central Government may, by notification in the Official Gazette, apply any or all of the provisions of the Petroleum Act and of the rules made thereunder, with such modifications as it may specify, to any dangerously inflammable substance, and thereupon the provisions so applied shall have effect as if such substance had been included in the definition of "petroleum" under that Act.

(2) The Central Government may make rules providing specially for the testing of any dangerously inflammable substance to which any of the provisions of the Petroleum Act have been applied by notification under sub-section (1), and such rules may supplement any of the provisions of Chapter II of that Act in order to adapt them to the special needs of such tests.

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5. Operation of certain notifications and rules.—Notifications or rules issued or purporting to have been issued under section 30 of the Petroleum Act between the 1st day of April, 1937, and the date of commencement of this Act shall be deemed to have been issued or made under this Act, and continue in force accordingly.

6. Validation of certain acts and indemnity in respect thereof.—All acts of executive authority, proceedings and sentences which have been done, taken or passed with respect to or on account of, any inflammable substance since the 1st day of April, 1937, and before the commencement of this Act by any officer of Government or by any person acting under his authority or otherwise in pursuance of an order of the Government in the belief or purported belief that the acts, proceedings or sentences were being done, taken or passed under the Petroleum Act shall be as valid and operative as if they had been done, taken or passed in accordance with law; and no suit or other legal proceeding shall be maintained or continued against any person whatever on the ground that any such acts, proceedings or sentences were not done, taken or passed in accordance with law.

7. Repeal of Section 30, Act XXX of 1934.—Section 30 of the Petroleum Act is hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

By virtue of sub-section (1) of section 30 of the Petroleum Act, 1934, the Central Government may apply, by notification, any or all of the provisions of that Act to any dangerously inflammable substance other than an explosive and thus regulate the transport, storage, production, etc., of that substance. All the provisions of the Petroleum Act have been made applicable in this manner to acetone, wood naphtha, ethyl alcohol and methyl alcohol and certain provisions to carbide of calcium, calcium phosphide and cinematograph films having a nitro-cellulose base.

It would however appear that, after the coming into force of the Government of India Act, 1935, on the 1st April, 1937, sub-section (1) of section 30 of the Petroleum Act could not be regarded as a valid provision. Unless a substance was expressly declared by "Federal law", *i.e.*, an Act of the Indian Legislature, to be dangerously inflammable with reference to Entry 32 of the Federal Legislative List, the legislative and executive power in regard to the possession, storage and transport of that substance remained by virtue of Entry 29 of the Provincial Legislative List with the Provinces, and the Centre could not exercise control over these matters simply by the issue of a notification under a pre-existing law. The position remains the same under the new Constitution, the corresponding entries being Entry 53 of the Union List and Entry 27 of the State List.

The Present Bill, therefore, seeks to introduce legislation referable to Entry 53 of the Union List, declaring certain liquids and substances as dangerously inflammable and empowering the Central Government to apply thereto all or any of the provisions of the Petroleum Act, 1934. The declaration will in the first instance be confined to the liquids and substances mentioned in paragraph 1 above, in respect of which notifications have already been issued under sub-section (1) of section 30 of the Petroleum Act. Provision is also being made in the Bill for the continuance in force of notifications and rules purporting to have been issued under section 30 of the Petroleum Act and for indemnifying all officers in respect of action taken under such notifications or rules. Section 30 of the Petroleum Act, 1934, is also to be repealed by this Bill.

NEW DELHI, N. V. GADGIL.

The 2nd February, 1952.

GOVERNMENT OF MYSORE.

Legislative Department.

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NOTIFICATION.

No. L.D. 2309—Legis. 3-51-49, dated Bangalore, 8th March 1952.

Ordered that the Employees' Provident Funds Bill, 1952 (Central Bill No. 15 of 1952) published in the *Gazette of India*, Part II, Section 2, dated the 23rd February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

BILL* No. 15 OF 1952.

A Bill to provide for the institution of provident funds for employees in factories and other establishments.

BE it enacted by Parliament as follows :—

1. Short title, extent and application.—(1) This Act may be called the Employees' Provident Funds Act, 1952.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) Subject to the provisions contained in section 16, it applies in the first instance to all factories engaged in any industry specified in Schedule I in which fifty or more persons are employed, but the Central Government may, after giving not less than two months' notice of its intention so to do, by notification in the Official Gazette, apply the provisions of this Act to all factories employing such number of persons less than fifty as may be specified in the notification and engaged in any such industry.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means—

(i) in relation to a factory engaged in a controlled industry or in an industry connected with a mine or an oilfield, the Central Government, and

(ii) in relation to any other factory, the State Government ;

(*b*) "basic wages" means all remuneration which is earned by an employee while on duty or on leave with wages in accordance with the terms of the contract of employment and which is paid or payable in cash to him, but does not include—

(i) the cash value of any food concession ;

*The President has, in pursuance of clause (3) of article 117 of the Constitution of India, recommended to Parliament the consideration of the Bill.

(ii) any dearness allowance (that is to say, all cash payments by whatever name called paid to an employee on account of a rise in the cost of living), house rent allowance, overtime allowance, bonus, commission or any other similar allowance payable to the employee in respect of the employment or of work done in such employment;

(iii) any presents made by the employer;

(*c*) "contribution" means a contribution payable in respect of a member under a Scheme;

(*d*) "controlled industry" means any industry the control of which by the Union has been declared by a Central Act to be expedient in the public interest;

(*e*) "employer" in relation to a factory means the owner or occupier of the factory, including the agent of such owner or occupier, the legal representative of a deceased owner or occupier and, where a person has been named as a manager of the factory under clause (*f*) of sub-section (1) of section 7 of the Factories Act, 1948 (LXIII of 1948), the person so named;

(*f*) "employee" means any person who is employed for wages in any kind of work, manual or otherwise, in or in connection with the work of a factory, and who gets his wages directly or indirectly from the employer, and includes any person employed by or through a contractor in or in connection with the work of the factory;

(*g*) "factory" means any premises, including the precincts thereof, in any part of which a manufacturing process is being carried on or is ordinarily so carried on, whether with the aid of power or without the aid of power;

(*h*) "Fund" means the provident fund established under a Scheme;

(*i*) "industry" means any industry specified in Schedule I, and includes any other industry added to the Schedule by notification under section 4;

(*j*) "member" means a member of the Fund;

(*k*) "occupier of a factory" means the person who has ultimate control over the affairs of the factory, and, where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory;

(*l*) "Scheme" means a Scheme framed under this Act.

3. Power to apply Act to establishment which has a common provident fund with a factory.—Where immediately before this Act becomes applicable to a factory there is in existence a provident fund which is common to the employees employed in a factory to which this Act applies and employees in any other establishment, the Central Government may, by notification in the Official, Gazette, direct that the provisions of this Act shall also apply to that establishment, and thereupon the establishment shall be deemed to be a factory for all the purposes of this Act.

4. Power to add to Schedule I.—The Central Government may, by notification in the Official Gazette, add to Schedule I any other industsry in respect of the employees whereof it is of opinion that a provident fund sheme should be framed under this Act, and thereupon the industry so added shall be deemed to be an industry specified in Schedule I for the purposes of this Act.

5. Employees' Provident Fund Schemes.—The Central Government may, by notification in the Official Gazette, frame a Scheme to be called the Employees' Provident Fund Scheme for the establishment of provident funds under this Act for employees or for any class of employees and specify the factories or class of factories to which the said Scheme shall apply.

6. Contributions and matters which may be provided for in Schemes.—(1) The contribution which shall be paid by the employer to the Fund shall be six and a

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quarter per cent of the basic wages and the dearness allowance for the time being payable to each of the employees, and the employee's contribution shall be equal to the contribution payable by the employer in respect of him and may, if any employee so desires and if the Scheme makes provision therefor, be an amount not exceeding eight and one-third per cent of his basic wages and dearness allowance:

Provided that where the amount of any contribution payable under this Act involves a fraction of a rupee, the Scheme may provide for the rounding off of such fraction to the nearest rupee, half of a rupee or quarter of a rupee.

Explanation.—For the puryoses of this sub-section, dearness allowance shall be deemed to include also the cash value of any food concession allowed to the employee.

(2) Subject to the provisions contained in sub-section (1), any Scheme may provide for all or any of the matters specified in Schedule II.

7. Modification of Scheme.—The Central Government may, by notification in the Official Gazette, add to, amend or vary any Scheme framed under this Act.

8. Mode of recovery of moneys due from employers.—Any amount due from an employer in respect of any contribution payable under this Act or towards the cost of administering the Fund payable by him under any Scheme may, if it is in arrear, be recovered by the appropriate Government in the same manner as an arrear of land revenue.

9. Fund to be recognised under Act XI of 1922.—For the purposes of the Indian Income-tax Act, 1922 (XI of 1922), the Fund shall be deemed to be a recognised provident fund within the meaning of Chapter IXA of that Act.

10. Protection against attachment.—(1) The amount standing to the credit of any member in the Fund shall not in any way be capable of being assigned or charged and shall not be liable to attachment under any decree or order of any court in respect of any debt or liability incurred by the member, and neither the official assignee appointed under the Presidency-towns Insolvency Act, 1909 (III of 1909), nor any receiver appointed under the Provincial Insolvency Act, 1920 (V of 1920), shall be entitled to, or have any claim on, any such amount.

(2) Any amount standing to the credit of any member in the Fund at the time of his death and payable to his nominee under the Scheme shall, subject to any deduction authorised by the said Scheme, vest in the nominee and shall be free from any debt or other liability incurred by the deceased or incurred by the nominee before the death of the member.

11. Priority of payment of contributions over other debts.—The amount due in respect of any contribution under this Act or under any Scheme and any charges incurred in respect of the administration of the Fund under any Scheme shall, where the liability therefor has accrued before the person liable is adjudicated insolvent, or, in the case of a company ordered to be wound up, before the date of such order, be deemed to be included among the debts which under section 49 of the Presidency-towns Insolvency Act, 1909 (III of 1909) or under section 61 of the Provincial Insolvency Act, 1920 (V of 1920) or under section 230 of the Indian Companies Act, 1913 (VII of 1913) are to be paid in priority to all other debts in the distribution of the property of the insolvent or the assets of the company being wound up, as the case may be.

12. Employer not to reduce wages.—No employer shall, by reason only of his liability for any contribution payable under this Act, reduce, whether directly or indirectly, the wages of any employee, or, except as provided by any Scheme, discontinue or reduce any benefit (similar to any benefit conferred by this Act or by any Scheme) towhich the employee is entitled under the terms of his employment.

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13. Inspectors.—(1) The appropriate Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act or of any Scheme, and may define their jurisdiction.

(2) Any Inspector appointed under sub-section (1) may, for the purpose of inquiring into the correctness of any information furnished in connection with this Act or with any Scheme or for the purpose of ascertaining whether any of the provisions of this Act or of any Scheme have been complied with—

(*a*) require an employer to furnish such information as he may consider necessary in relation to the Scheme;

(*b*) at any reasonable time enter any factory or any premises connected therewith and require any one found in charge thereof to produce before him for examination any accounts, books, registers and other documents relating to the employment of persons or the payment of wages in the factory;

(*c*) examine, with respect to any matter relevant to any of the purposes aforesaid, the employer, his agent or servant or any other person found in charge of the factory or any premises connected therewith or whom the Inspector has reasonable cause to believe to be or to have been, an employee in the factory;

(*d*) make copies of, or take extracts from, any book, register or other documents maintained in relation to the factory;

(*e*) exercise such other powers as the Scheme may provide.

(3) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

14. Penalties.—(1) Whoever, for the purpose of avoiding any payment to be made by himself under this Act or under any Scheme or of enabling any other person to avoid such payment, knowingly makes or causes to be made any false statement or false representation shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) A Scheme framed under this Act may provide that any person who contravenes, or makes default in complying with, any of the provisions thereof shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(3) No court shall take cognizance of any offence punishable under this Act or under any Scheme except on a report in writing of the facts constituting such offence made with the previous sanction of such authority as may be specified in this behalf by the Central Government, by an Inspector appointed under section 13.

15. Special provisions relating to existing provident funds.—(1) Every employee who is a subscriber to any provident fund established by the employer and in existence on the 15th day of November, 1951, shall, pending the framing of a Scheme in respect of the factory in which he is employed, continue to be entitled to the benefits accruing to him under the provident fund, and the provident fund shall continue to be maintained in the same manner and subject to the same conditions as it would have been if this Act had not been passed.

(2) On the framing of any such Scheme as is referred to in sub-section (1), the accumulations standing to the credit of the employees in the provident fund shall, notwithstanding anything to the contrary contained in any law for the time being in force or in any deed or other instrument establishing the provident fund but subject to the provisions, if any, contained in the Scheme, be transferred to the Fund established under the Scheme, and shall be credited to the accounts of the employees entitled thereto in the Fund.

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16. Act not to apply to factories belonging to Government or local authority and also to infant factories.—This Act shall not apply to—

(*a*) any factory belonging to the Government or a local authority, and

(*b*) any other factory, established whether before or after the commencement of this Act, unless three years have elapsed from its establishment.

17. Power to exempt.—The appropriate Government may, by notification in the Official Gazette, and subject to such conditions as may be specified in the notification, exempt from the operation of this Act, or of any scheme—

(*a*) any factory to which this Act applies if the rules of its provident fund with respect to contributions are in conformity with, or are more favourable to the employees therein than, those specified in this Act, and, if, in the opinion of the appropriate Government, the employees are otherwise in enjoyment of provident fund benefits generally which are on the whole not less favourable to the employees than the benefits provided under this Act or under any scheme in relation to employees in any factory of a similar character;

Explanation.—The following conditions shall be deemed to be always included in the conditions which may be specified in a notification under clause (*a*), namely :—

(*i*) the amount of accumulations in the provident fund shall be invested in such manner as the Central Government may direct;

(*ii*) the amount of accumulations to the credit of an employee in the provident fund shall, where he leaves his employment and obtains re-employment in another factory to which this Act applies within such time as may be specified in this behalf by the Central Government, be transferred to the credit of his account in the Fund established under the Scheme applicable to the factory;

(*b*) any class of persons employed in any factory, if the Central Government is of opinion that such class of persons is entitled to old age pension benefits which are on the whole not less favourable to such persons than the benefits provided under this Act or under any Scheme in relation to persons employed in any factory of a similar character:

Provided that no notification under clause (*b*) shall be issued unless the Central Government is satisfied that the majority of persons so employed desire to continue to be entitled to such old age pension benefits.

18. Protection for acts done in good faith.—No suit or other legal proceeding shall lie against an Inspector or any other person in respect of anything which is in good faith done or intended to be done under this Act or under any Scheme.

19. Delegation of powers to the State Government.—The Central Government may by notification in the Official Gazette, direct that any power, authority or jurisdiction exercisable by it under or in relation to any such provisions of this Act or of any Scheme as may be specified in the notification shall, subject to such conditions and restrictions as may be so specified, be exercisable also by any State Government.

20. Repeal of Ordinance VIII of 1951.—(*1*) The Employees' Provident Funds Ordinance, 1951 (VIII of 1951), is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

SCHEDULE I

[*See* sections 2 (*i*) and 4]

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Any industry engaged in the manufacture or production of any of the following, namely :—

Cement.

Cigarettes.

Electrical, mechanical or general engineering products.

Iron and steel.

Paper.

Textiles (made wholly or in part of cotton or jute or silk, whether natural or artificial).

SCHEDULE II

[*See* section 6(*2*)]

MATTERS FOR WHICH PROVISION MAY BE MADE IN A SCHEME.

1. The employees or class of employees who shall join the Fund, and the conditions under which employees may be exempted from joining the Fund or from making any contribution.

2. The time and manner in which contributions shall be made to the Fund by employers and by, or on behalf of, employees, the contributions which an employee may, if he so desires, make under sub-section (*1*) of section 6, and the manner in which such contributions may be recovered.

3. The payment by the employer of such sums of money as may be necessary to meet the cost of administering the Fund and the rate at which and the manner in which the payment shall be made.

4. The constitution of boards of trustees for the administration of Funds, each of which shall consist of—

(*a*) nominees of the Central Government ;

(*b*) nominees of such State Governments as the Central Government may, having regard to the jurisdiction of the board, specify in this behalf ;

(*c*) representatives of the employers and employees concerned, nominated by the Central Government after consultation with the employers and employees concerned or with such of their respective organisations as are representative of their interest ; provided that the number of representatives of the employees shall in no case be less than the number of representatives of the employers.

5. The number of trustees on any board, the terms and conditions subject to which they may be nominated, the time, place and procedure of meetings of the board, the appointment of officers and other employees of the board, and the opening of regional and other offices.

6. The manner in which accounts shall be kept, the investment of moneys belonging to the Fund in accordance with any directions issued or conditions specified by the Central Government, the preparation of the budget, the audit of accounts and the submission of reports to the Central Government or to any specified State Government.

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7. The conditions under which withdrawals from the Fund may be permitted and any deduction or forfeiture may be made and the maximum amount of such deduction or forfeiture.

8. The fixation by the Central Government in consultation with the boards of trustees concerned of the rate of interest payable to members.

9. The form in which an employee shall furnish particulars about himself and his family whenever required.

10. The nomination of a person to receive the amount standing to the credit of a member after his death and the cancellation or variation of such nomination.

11. The registers and records to be maintained wtih respect to employees and the returns to be furnished by employers.

12. The form or design of any identity card, token or disc for the purpose of identifying any employee, and for the issue, custody and replacement thereof.

13. The fees to be levied for any of the purposes specified in this Schedule.

14. The contraventions or defaults which shall be punishable under sub-section (2) of Section 6.

15. The further powers, if any, which may be exercised by Inspectors.

16. The manner in which accumulations in any existing provident fund shall be transferred to the Fund under Section 15, and the mode of valuation of any assets which may be transferred by the employers in this behalf.

17. Any other matter which may be necessary or proper for the purpose of implementing the Scheme.

STATEMENT OF OBJECTS AND REASONS

The question of making some provision for the future of the industrial worker after he retires or for his dependents in case of his early death, has been under consideration for some years. The ideal way would have been provision through old age and survivors' pensions as has been done in the industrially advanced countries. But in the prevailling conditions in India, the institution of a pension scheme cannot be visualised in the near future. Another alternative may be for provision of gratuities after a prescribed period of service. The main defect of a gratuity scheme, however is that the amount paid to a worker or his dependents would be small, as the worker would not himself be making any contribution to the fund. Taking into account the various difficulties, financial and administrative, the most appropriate course appears to be the institution compulsorily of contributory provident funds in which both the worker and the employer would contributes. Apart from other advantages, there is the obvious one of cultivating among the workers a spirit of saving something regularly. The institution of a provident fund of this type would also encourage the stabilisation of a steady labour force in industrial centres.

2. The subject of legislation for institution compulsorily of contributory provident funds in industrial undertakings was discussed several times at tripartite meetings in which representatives of the Central and State Governments and of employers and workers took part. A large measure of agreement was reached that there should be such legislation. Further, a non-official Bill on this subject was introduced in the Central Legislature in 1948 and was withdrawn only on an assurance given that Government itself would soon consider the introduction of a comprehensive Bill. The view that the proposed legislation should be undertaken was lastly endorsed by the Conference of Provincial Labour Ministers held in January, 1951.

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It may be added that a statutory Contributory Provident Fund already exists for workers in coal mines, covering about 300,000 persons. This has been in operation for about five years and is working very satisfactorily.

3. The Bill provides for institution, in the first instance, of contributory provident funds in the six major organised industries named in Schedule I, except undertakings owned by the Central or a State Government or by a local authority. There is also a provision empowering the Central Government by notification, to add other industries to the Schedule or to apply the Act to industrial undertakings employing less than fifty persons.

4. To avoid any hardship to new establishments, a provision has been made for exempting them for a period of three years and similar exemptions are given to other establishments which are less than three years old till they have been in operation for a period of three years in all. The rate of contribution will be 6¼ per cent of the total emoluments of the worker, the worker and the employer each contributing these amounts. Further, the scheme could empower payment of a higher subscription by the workers at their option.

5. Where Provident Funds exist in private industry, contributions are usually a percentage of the basic wage. Unlike Government Departments, wages in private industry have not, however, been rationalised and there are very great variations in the level of basic wages in private industry, even in different units in the same industry. If contributions are reckoned on the basis of basic wage only, there will, therefore, be wide changes in the degree of benefit received. This will be unfair to the workers and may also penalise those employers who have brought the level of basic wages more in accord with current requirements. Government appreciates that dearness allowance is a variable factor depending on the cost of living. Nevertheless, for the reasons explained, Government is satisfied that contributions to the Provident Fund should be on the basis of basic pay *plus* dearness allowance. This should not be construed as in any way implying that dearness allowances on the existing rates are to be recognised as a permanent measure.

6. Most of the details relating to the Fund will be settled in accordance with a Scheme which, in the interest of uniformity, will be framed by the Central Government. The administration will, to a large extent, be decentralised in regard to undertakings falling within the sphere of State Governments.

7. Where provident funds offering equal or more advantageous terms are operating efficiently, provision has been made for them to continue subject to certain safeguards in the interest of the workers.

8. This Bill, when enacted, will repeal and re-enact an Ordinance promulgated on the same lines on the 15th November, 1951.

JAGJIVAN RAM.

NEW DELHI;

The 11*th February*, 1952.

GOVERNMENT OF MYSORE. 510

Legislative Department.

NOTIFICATION.

No. L.D. 2307—Legis. 8-51-47, dated Bangalore, 8th March 1952.

Ordered that the Territorial Army (Amendment) Bill, 1952 (Central Bill No. 17 of 1952), published in the *Gazette of India*, Part II, Section 2, dated the 23rd February 1952, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

BILL NO. 17 OF 1952.

A Bill further to amend the Territorial Army Act, 1948.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Territorial Army (Amendment) Act, 1952.

2. **Insertion of new sections 7A and 7B in Act LVI of 1948.**—After section the 7 of Territorial Army Act, 1948 (hereinafter referred to as the principal Act), the following sections shall be inserted, namely :—

"7A. *Reinstatement in civil employ of persons required to perform military service.*—(*1*) It shall be the duty of every employer by whom a person who is required to perform military service under section 7 was employed to reinstate him in his employment on the termination of the military service in an occupation and under conditions not less favourable to him than those which would have been applicable to him had his employment not been so interrupted :

Provided that if the employer refuses to reinstate such person or denies his liability to reinstate such person, or if for any reason reinstatement of such person is represented by the employer to be impracticable, either party may refer the matter to the prescribed authority and that authority shall, after considering all matters which may be put before it and after making such further inquiry into the matter as may be prescribed, pass an order—

(*a*) exempting the employer from the provisions of this section, or

(*b*) requiring him to re-employ such person on such terms as he thinks suitable, or

(*c*) requiring him to pay to such person by way of compensation for failure to re-employ a sum not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer.

(2) If any employer fails to obey the order of any such authority as is referred to in the proviso to sub-section (*1*), he shall be punishable with fine

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which may extend to one thousand rupees, and the court by which an employer is convicted under this section may order him (if he has not already been so required by the said authority) to pay to the person whom he has failed to re-employ a sum not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer, and any amount so required to be paid either by the said authority or by the court shall be recoverable as if it were a fine imposed by such court.

(3) In any proceeding under this section it shall be a defence for an employer to prove that the person formerly employed did not apply to the employer for reinstatement within a period of two months from the termination of his military service.

(4) The duty imposed by sub-section (*1*) upon an employer to reinstate in his employment a person such as is described in that sub-section shall attach to an employer who, before such person is actually required to perform military service under section 7, terminates his employment in circumstances such as to indicate an intention to evade the duty imposed by that sub-section, and such intention shall be presumed until the contrary is proved if the termination takes place after the issue of orders requiring him to perform military service under this Act.

7B. *Preservation of certain rights of persons required to perform military service.*—When any person required to perform military service under section 7 has any rights under any provident fund or superannuation fund or other scheme for the benefit of employees maintained in connection with the employment he relinquishes, he shall continue, so long as he is engaged in military service under the provisions of this Act, to have in respect of such fund or scheme such rights as may be prescribed.".

3. Amendment of section 14, Act LVI of 1948—In sub-section (*2*) of section 14 of the principal Act, after clause (*d*), the following clauses shall be inserted, namely :—

"(*dd*) specify the authority for the purpose of the proviso to sub-section (*1*) of section 7A and the manner in which any inquiry may be held by him ;

(*ddd*) define the rights under section 7B ;"

STATEMENT OF OBJECTS AND REASONS.

The Territorial Army Act, 1948, does not at present contain any provision affording protection in civil employment to those who join the Territorial Army, with the result that some private employers have found it possible to refuse to allow their employees to retain a lien on their appointments while on duty with the Territorial Army. These difficulties were foreseen when the Territorial Army Act was enacted, but it was hoped at the time that employers would generally co-operate with Government in this national effort and voluntarily ensure that no person suffers either financially or otherwise by joining the Territorial Army.

2. Although many employers have treated their employees fairly, even generously, in this matter, experience has shown that there are many others who are not willing to act likewise. It has therefore become expedient to amend the Territorial Army Act to impose a statutory liability on the employers to afford necessary protection in civil employment to members of the Territorial Army and the proposed legislation seeks to achieve this purpose.

BALDEV SINGH.

NEW DELHI ;

The 9th February, 1952.

GOVERNMENT OF MYSORE

Legislative Department. 572

NOTIFICATION.

No. L.D. 2306—Legis. 3-51-46, dated Bangalore, 5th March 1952.

Ordered that the Preventive Detention (Amendment) Bill, 1952 (Central Bill No. 18 of 1952) published in the *Gazette of India*, Part II, Section 2, dated the 23rd February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

BILL NO. 18 OF 1952.

A Bill further to amend the Preventive Detention Act, 1950.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Preventive Detention (Amendment) Act, 1952.

2. **Amendment of section 1, Act IV of 1950.**—In sub-section (*3*) of section 1 of the Preventive Detention Act, 1950 (hereinafter referred to as the principal Act), for the word "April" the word "October" shall be substituted.

3. **Validity and duration of detention in certain cases.**—Every detention order confirmed under section 11 of the principal Act and in force immediately before the commencement of this Act shall have effect as if it had been confirmed under the provisions of the principal Act as amended by this Act; and accordingly, where the period of detention is either not specified in such detention order or specified (by whatever form of words) to be for the duration or until the expiry of the principal Act or until the 31st day of March, 1952, such detention order shall continue to remain in force for so long as the principal Act is in force, but without prejudice to the power of the appropriate Government to revoke or modify it at any time.

STATEMENT OF OBJECTS AND REASONS

The Preventive Detention Act, 1950, is due to expire on the 31st March, 1952. The primary reason for the enactment of this legislation was to protect the country against activities intended to subvert the Constitution and the maintenance of law and order. Attempts to do so, though reduced in tempo, have not ceased and it is considered essential that the power conferred by the Preventive Detention Act, 1950, should be continued. Since, however, the measure is of a controversial nature, it is felt that the period of extension should, for the present, be only six months, so as to enable the new Parliament to give due consideration to giving it an extension for a further period. The amending Bill provides for the extension of the Act by six months.

KAILAS NATH KATJU.

NEW DELHI;
The 7th February, 1952.

GOVERNMENT OF MYSORE

Legislative Department.

S/3

NOTIFICATION.

No. L.D. 2305—Legis. 3-51-45, dated Bangalore, 8th March 1952.

Ordered that the Criminal Tribes Laws (Repeal) Bill, 1952 (Central Bill No. 20 of 1952) published in the *Gazette of India*, Part II, Section 2, dated the 23rd February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

BILL No. 20 OF 1952.

A Bill to provide for the repeal of the Criminal Tribes Act, 1924, and certain other laws corresponding thereto.

BE it enacted by Parliament as follows :—

1. Short title and extent.—(*1*) This Act may be called the Criminal Tribes Laws (Repeal) Act, 1952.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

2. Power to repeal Act VI of 1924 and corresponding laws.—The Central Government may, by notification in the Official Gazette, declare that the Criminal Tribes Act, 1924 (VI of 1924) or any law corresponding thereto in force in any State or part thereof shall no longer be in force in that State or part, and on the publication of such notification the said Act or, as the case may be, the corresponding law shall be repealed in that State or part.

STATEMENT OF OBJECTS AND REASONS

Towards the end of 1949 Government set up a Committee to inquire into the working of the Criminal Tribes Act, 1924, and to make recommendations for its modification or repeal. The main recommendation of the Committee was that the Criminal Tribes Act, 1924, as well as any corresponding Acts in force in any Part B State or Part C State may be repealed. The Committee also recommended that, before taking such action, legislation should be undertaken for the adequate surveillance and control of all habitual offenders without any distinction based on caste, creed or birth.

The views of the State Governments which have so far been received are generally in favour of the recommendation of the Committee. In fact the Criminal Tribes Act, 1924, is already, in practice, a dead letter in some States. In the opinion of the Government it is sufficient at present to take power to get the Criminal Tribes Act repealed by Parliament, leaving the enactment of a Habitual Offenders Act to the State Governments concerned since the enactment of such a measure would have to take into account local conditions and circumstances. The Bill has been so drafted as to give the Governments of States where the Criminal Tribes Act, 1924, is in active operation some time to enact an alternative measure.

R. K. SIDHWA.

NEW DELHI;
The 10th February 1952.

GOVERNMENT OF MYSORE

Legislative Department. 514

NOTIFICATION.

No. L D. 2304—Legis. 3-51-44, dated Bangalore, 8th March 1952.

Ordered that the Code of Criminal Procedure (Amendment) Bill, 1952 (Central Bill No. 21 of 1952) published in the *Gazette of India*, Part II, Section 2, dated the 23rd February 1952 be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

BILL No. 21 OF 1952.

A Bill further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Code of Criminal Procedure (Amendment) Act, 1952.)

2. **Substitution of new section for section 527 in Act V of 1893.**—For section 527 of the Code of Criminal Procedure, 1898, the following section shall be substituted, namely :—

"527. *Power of Supreme Court to transfer cases and appeals.*—(1) Whenever it is made to appear to the Supreme Court that an order under this section is expedient for the ends of justice, it may direct that any particular case or appeal be transferred from one High Court to another High Court or from a Criminal Court subordinate to one High Court to another criminal court of equal or superior jurisdiction subordinate to another High Court.

(2) The Supreme Court may act under this section only on the application of the Attorney-General of India or of a party interested, and every such application shall be made by motion which shall, except when the applicant is the Attorney-General of India or the Advocate-General, be supported by affidavit or affirmation.

(3) The court to which any case or appeal is transferred under this section shall deal with the same as if it had been originally instituted in, or presented to, such court.

(4) Where any application for the exercise of the powers conferred by this section is dismissed, the Supreme Court may, if it is of opinion that the application was frivolous or vexatious, order the applicant to pay by way of compensation to any person who has opposed the application such sum not exceeding one thousand rupees as it may consider appropriate in the circumstances of the case."

STATEMENT OF OBJECTS AND REASONS

Section 527 of the Code of Criminal Procedure, 1898, before it was adapted under the Government of India (Adaptation of Indian Laws) Order, 1937, gave authority to the Governor-General in Council to direct the transfer of any particular case or appeal from one High Court to another High Court or from one criminal court subordinate to one High Court to another criminal court of equal or superior jurisdiction subordinate to another High Court, whenever it appeared to him that such transfer would promote the ends of justice or tend to the general convenience of parties or witnesses. The aforesaid Order of 1937, however, replaced the words "Governor-General in Council" by the words "Provincial Government" in view of the constitutional position under the Government of India Act, 1935, with respect to the exercise of executive authority in the concurrent field. Consequently, the Central Government lost the authority to transfer cases or appeal from one State to another and such transfers were made subject to the concurrence of both the State Governments concerned. The question whether this power to transfer cases from one State to another State should not be recentralised was raised in Parliament last year. It has now been further examined in consultation with the Supreme Court and the State Governments, and as a result it is proposed that the power should be vested in the Supreme Court instead of in the State Governments. The Bill seeks to achieve this purpose.

KAILAS NATH KATJU.

NEW DELHI;
The 12*th February*, 1952.

GOVERNMENT OF MYSORE.

LEGISLATIVE DEPARTMENT. 516

NOTIFICATION.

No. L.D. 2303—Legis. 3-51-43, dated Bangalore, 8th March 1952.

Ordered that the Indian Tariff (Amendment) Bill, 1952 (Central Bill No. 23 of 1952), published in the *Gazette of India*, Part II, Section 2, dated the 23rd Februrary 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

The following Bill was introduced in Parliament on the 19th February 1952 :—

BILL* No. 23 OF 1952.

A Bill Further to amend the Indian Tariff Act, 1934.

BE it enacted by Parliament as follows:—

1. Short title and commencement.—(*1*) This Act may be called the Indian Traiff (Amendment) Act, 1952.

(2) The provisions of clause (*v*) of section 2 [relating to Item No. 63 (31)] shall come into force on such date as the Central Government may, by Notification in the Official Gazette, appoint; but the remaining provisions shall come into force at once.

2. Amendment of the First Schedule, Act XXXII of 1934.—In the First Schedule to the Indian Tariff Act, 1934,—

(*i*) in Items Nos. 21(3), 28(15), 28(18), 28(20), 40(4), 40(5), 50(3), 63(30), 63(35), 64, 64(3), 64(4), 65, 67, 67(1), 67(2), 68, 68(2), 69(2), 70, 70(1), 70(4), 70(5), 70(6), 70(9), 71(8), 72(12) and 73(7), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December, 31st 1951." wherever they occur, the word, figures and letters "December 31st, 1952" shall be substituted ;

(*ii*) after Item No. 28(31), the following Item shall be inserted, namely :—

"28(32)	Hydroquinone—					
	(a) of British manufacture.	Protective	26 per cent. *ad valorem*	...	...	December 31st, 1953
	(b) not of British manufacture.	Protective	Preferential rate of duty actually charged for the time being for such products of British manufacture *plus* ten per cent. *ad valorem*.	...	...	December 1st, 1953."
	Provided that Hydroquinone manufactured in a British Colony shall be deemed to be of British manufacture.					

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(*iii*) in Item No. 63(12), in the entry in the second column, after the words "excluding fish bolts and nuts", the words "and machine screws" shall be inserted,

(*iv*) for Item No. 63(33), the following Item shall be substituted, namely :—

"63 (33)	Iron or steel screws—					
	(a) wood screws	Protective	30 per cent. *ad valorem.*	...	...	December 31st, 1952.
	(b) machine screws	Protective	30 per cent. *ad valorem.*	...	...	December 31st, 1954.";

(*v*) for Item No. 63(34), the following Item shall be substituted, namely :—

'63 (34)	Iron or steel hoops—					
	(a) Jute baling hoops—					
	(i) of British manufacture.	Protective	30 per cent. *ad valorem.*	...	...	December 31st, 1952
	(ii) not of British manufacture	Protective	40 per cent. *ad valorem.*	...	...	December 31st, 1952.
	(b) Cotton baling hoops—					
	(i) of British manufacture.	Protective	30 per cent. *ad valorem.*	...	...	December 31st, 1952.
	(ii) not of British manufacture.	Protective	40 per cent. *ad valorem.*	...	...	December 31st, 1952.";

*The President has in pursuance of clause (1) of article 117 of the Contitution of India, recommended to Parliament the introduction of the Bill.

(*vi*) in Item No. 73(15)—

(*a*) in the fourth column headed "Standard rate of duty", for the words "six per cent.", the words "three per cent." shall be substituted ;

(*b*) in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1951" wherever they occur, the word, figures and letters "December 31st, 1952", shall be substituted ;

(*vii*) after Item No. 73(16), the following Item shall be inserted, namely :—

"73 (17)	Electric brass lamp holders, excluding miniature brass lamp holders adapted for use in automobiles—					
	(a) of British manufacture.	Protective	20 percent *ad valorem.*	...	...	December 31st, 1953.
	(b) not of British manufacture.	Protective	30 per cent. *ad valorem.*	...	...	December 31st, 1953";

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STATEMENT OF OBJECTS AND REASONS

The object of the present Bill is to amend the first Schedule to the Indian Tariff Act, 1934 (XXXII of 1934) in order to grant protection to certain industries and to extend the period of protection for certain other industries on the advice of the Tariff Board.

2. The industries which will be protected are—

(a) Hydroquinone,
(b) Iron or steel machine screws, and
(c) Electric brass lamp holders.

3. The industries which will continue to be protected are—

(i) Glucose,
(ii) Calcium chloride,
(iii) Sodium sulphite, sodium bisulphite and sodium thiosulphate,
(iv) Oleic and stearic acids,
(v) Plywood and battens for tea chests,
(vi) Cotton and hair belting,
(vii) Alloy, tool and special steels,
(viii) Iron or steel wood-screws,
(ix) Iron or steel baling hoops,
(x) Ferro-silicon,
(xi) Non-ferrous metals,
(xii) Grinding wheels and segments,
(xiii) Dry batteries and
(xiv) Batteries, for motor vehicles.

HAREKRUSHNA MAHTAB.

NEW DELHI;

The 15th February 1952.

GOVERNMENT OF MYSORE.

Legislative Department.

NOTIFICATION.

No. L.D. 2308—Legis. 3-51-48, dated Bangalore, 8th March 1952.

Ordered that the Industrial Disputes (Amendment) Bill, 1952 (Central Bill No. 16 of 1952), published in the *Gazette of India*, Part II, Section 2, dated the 23rd February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

The following Bills were introduced in Parliament on the 15th February, 1952 :—

BILL NO. 16 OF 1952.

A Bill further to amend the Industrial Disputes Act, 1947.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Industrial Disputes (Amendment) Act, 1952.

2. Amendment of section 2, Act XIV of 1947.—To clause (*i*) of section 2 of the Industrial Disputes Act, 1947 (hereinafter referred to as the principal Act), the following proviso shall be added, namely :—

"Provided that no person shall cease to be independent by reason only of the fact that he is a shareholder of an incorporated company which is connected with, or likely to be affected by, such industrial dispute; but in such a case, he shall disclose to the appropriate Government the nature and extent of the shares held by him in such company."

3. Amendment of section 10, Act XIV of 1947.—In section 10 of the principal Act,—

(*a*) in sub-section (*1*)—

(*i*) for the words "If any industrial dispute exists or is apprehended, the appropriate Government may" the words "Where the appropriate Government is of opinion that any industrial dispute exists or is apprehended, it may at any time" shall be substituted;

(*ii*) in clause (*c*), after the words "refer the dispute" the words "or any matter appearing to be connected with, or relevant to, the dispute" shall be inserted; and

(*b*) after sub-section (*3*), the following sub-sections shall be inserted, namely :—

"(*4*) Where in an order referring an industrial dispute to a Tribunal under this section or in a subsequent order, the appropriate Government has specified the points of dispute for adjudication, the Tribunal shall confine its adjudication to those points and matters incidental thereto.

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(5) Where a dispute concerning any establishment or establishments has been, or is to be, referred to a Tribunal under this section and the appropriate Government is of opinion, whether on an application made to it in this behalf or otherwise, that the dispute is of such a nature that any other establishment, group or class of establishments of a similar nature is likely to be interested in, or affected by, such dispute, the appropriate Government may, at the time of making the reference or at any time thereafter but before the submission of the award, include in that reference such establishment, group or class of establishments, whether or not at the time of such inclusion any dispute exists or is apprehended in that establishment, group or class of establishments."

4. Amendment of section 20, Act XIV of 1947.—In sub-section (3) of section 20 of the principal Act, for the words, figures and brackets "when the award is published by the appropriate Government under section 17, or where an award has been laid before the Legislative Assembly or the House of the People under the proviso to sub-section (2) of section 15, when the resolution of the Legislative Assembly or the House of the People thereon is passed", the words, figures and letter "on the date on which the award becomes enforceable under section 17A" shall be substituted.

5. Repeal of Ordinance IX of 1951.—(1) The Industrial Disputes (Amendment) Ordinance, 1951 (IX of 1951), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing was done or action was taken.

STATEMENT OF OBJECTS AND REASONS.

The Industrial Disputes (Amendment) Bill, 1952 seeks to make certain changes in the law relating to the adjudication of industrial disputes which experience has shown are urgently required in order to remove doubts and to reduce litigation. The question whether a person holding shares in an establishment can be deemed to be "independent" for the purpose of appointment on a tribunal called upon to adjudicate on a dispute affecting that establishment was recently raised and was held to be not free from doubts. The Bill seeks to remove the disqualification, if any, attaching to the holding of shares. Occasionally when disputes arise in the large majority of units of an industry, it becomes necessary to include in the adjudication even the few units which show no evidence of the existence of actual disputes but which, if left out, are sure to raise disputes of their own. Power is sought to be taken for such inclusion.

JAGJIVAN RAM.

NEW DELHI;
The 9th February, 1952.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.S. 885—L.W. 73-52-4, Bangalore, dated 23rd May 1952.

Whereas His Highness the Maharaja is of opinion that an Industrial Dispute exists between the Management of the several Hotels in Bangalore City specified in Schedule I annexed hereto and the workmen employed by them in respect of the points of dispute specified in the Schedule II below;

And whereas His Highness the Maharaja of Mysore considers it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore is hereby pleased to refer the said dispute for adjudication to the Second Industrial Tribunal constituted in Government Notification No. L.S. 5330—L.W. 330-51-4, dated 28th March 1952.

SCHEDULE I.

1. Shobha Restaurant, Balepet, Bangalore City.
2. Prakash Cafe, Chamarajpet, Bangalore City.
3. Bombay Chandra Bhavan, Avenue Road, Bangalore City.
4. Sri Laxmivilas Restaurant, Bangalore Cantonment.
5. Chandrakala Restaurant, Kempegowda Road, Bangalore City.
6. Super Coffee House, Kempegowda Road, Bangalore City.
7. Amba Bhavan, Seshadripuram, Bangalore City.
8. Sri Krishna Restaurant, Chamarajpet, Bangalore City.
9. Kala Cafe, Chickpet, Bangalore City.
10. Jaya Restaurant, Chamarajpet, Bangalore City.
11. Udipi Hotel, Chickpet, Bangalore City.
12. Jaya Cafe, Gundopanth Street, Bangalore City.
13. Favourite Coffee Bar, Kempegowda Road, Bangalore City.
14. Sri Krishna Lunch Home, Subedar Chattram Road, Bangalore City.
15. B. T. Ramiah Cafe, Avenue Road, Bangalore City.
16. Durga Bhavan, Balepet, Bangalore City.
17. Kalyan Cafe, Seshadripuram, Bangalore City.
18. Shastry's Hotel, Chickpet, Bangalore City.
19. Ramakrishna Lunch Home, Subedar Chattram Road, Bangalore City.
20. Bombay Ananda Bhavan, Old Poor House Road, Bangalore 1.
21. Jaya Bhavan, Kalasipalyam, Bangalore City.

22. Vijaya Bhavan, Cavalry Road, Bangalore Cantonment.
23. Sri Krishna Restaurant, Residency Road, Bangalore 1.
24. Naidu Military Hotel, Balepet, Bangalore City.
25. Vishranthi Bhavan, Chamarajpet, Bangalore City.
26. Bombay Indra Bhavan, Nagarthpet, Bangalore City.
27. Raman's Cafe, Kalasipalyam, Bangalore City.
28. Bharath Cafe, Brigade Road, Bangalore 1.
29. Sri Ramavilas, Arcot Street, Bangalore City.
30. National Coffee House, Cubbonpet Bangalore City.
31. Sri Krishna Bhavan, Balepet, Bangalore City.
32. Chandra Bhavan Restaurant, Bangalore 1.
33. Neo Mysore Cafe, Arcot Srinivasachar Street, Bangalore City.
34. Maruthi Bhavan, Cottonpet, Bangalore City.
35. Bombay Rajendra Bhavan, Market Square, Bangalore City.
36. New Everest Hotel, Park Road, Bangalore City.
37. Rayal Mahal, Chickpet, Bangalore City.
38. Eastern Lunch Home, Police Road, Bangalore City.
39. Vijaya Bhavan, Sunkalpet, Bangalore City.
40. Suryakala Restaurant, Avenue Road, Bangalore City.
41. Cubbonpark Restaurant, Bangalore City.

SCHEDULE II.

1. Grant of 'Independence Bonus' equal to one month's salary.
2. Grant of Bonus equal to three months' salary to each worker every year.
3. Fixing the minimum wage of an employee at Rs. 30 (Rupees thirty) per month with free boarding and lodging.
4. Supply of two sets of uniform to every worker for his use during working hours once in every six months.
5. Starting of Provident Fund Schemes.
6. Payment of compensation for injuries, etc., sustained in an accident while on duty.
7. Grant of leave on all festival days and other important occasions including May Day.
8. Guarantee of service.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

No. L.D. 313—Legis. 13-52-1, dated Bangalore, 20th May 1952.

Ordered that the Mysore Labour (Administration) Act, 1952, which received the assent of the President, on the 8th day of May 1952, be published as Mysore Act No. XVI of 1952, in the *Mysore Gazette* for general information.

MYSORE ACT No. XVI OF 1952.

THE MYSORE LABOUR (ADMINISTRATION) ACT, 1952.

(Received the assent of the President on the Eighth Day of May 1952.)

An Act to make provision for the administration of the Labour Department in the State of Mysore and for certain other matters.

WHEREAS it is expedient to make provision for the administration of the Labour Department in the State of Mysore and for certain other matters; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Labour (Administration) Act, 1952. Short title and commencement

(2) It shall be deemed to have come into force on the first day of April 1951.

2. In this Act,— Definitions

(1) "Assistant Commissioner" means an Assistant Commissioner of Labour in Mysore;

(2) "Commissioner" means the Commissioner of Labour in Mysore;

(3) "Government" means the State Government;

(4) "Local area" means any area notified as such by the Government.

Appointment of Commissioner and Assistant Commissioners and their powers and duties.

3. (1) The Government shall, by notification in the *Mysore Gazette*, appoint a person to be the Commissioner. His jurisidiction shall extend throughout the State of Mysore.

(2) The Commissioner shall exercise such powers and perform such duties as may be conferred or imposed on him by or under any law for the time being in force, in Mysore.

(3) The Government may, by notification in the *Mysore Gazette*, appoint Assistant Commissioners for any local area or areas. Such Assistant Commissioners shall, subject to the control and supervision of the Commissioner, exercise such of the powers and perform such of the duties of the Commissioner as may be delegated by him.

Repeal of Mysore Act XIII of 1942 and savings.

4. The Mysore Labour Act, 1942, is hereby repealed:

Provided that any appointment or delegation made under the said Act shall be deemed to have been made under this Act:

Provided further that all labour associations registered under the said Act shall be deemed to be trade unions registered under the Indian Trade Unions Act, 1926 (Central Act XVI of 1926).

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.D. 358—Legis 16-52-1, dated Bangalore, 27th May 1952.

Ordered that the Mysore Warehouses (Amendment) Act, 1952, which received the assent of the President on the 16th day of May 1952, be published as Mysore Act No. XVII of 1952, in the *Mysore Gazette* for general information.

MYSORE ACT No. XVII OF 1952.

THE MYSORE WAREHOUSES (AMENDMENT) ACT, 1952.

(Received the assent of the President on the Sixteenth day of May 1952.)

An Act to amend the Mysore Warehouses Act, 1952.

WHEREAS it is expedient to amend the Mysore Warehouses Act, 1951, (Mysore Act XXIX of 1951), for the purposes hereinafter appearing; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Warehouses (Amendment) Act, 1952. Short title and commencement.

(2) It shall come into force at once.

2. In sub-section (1) of section 23 of the Mysore Warehouses Act, 1951, (hereinafter referred to as the said Act), after the words "warehouseman" the words and figures "other than a co-operative society registered under the Mysore Co-operative Societies Act, 1948" shall be inserted. Amendment of section 23 of Mysore Act XXIX of 1951.

3. For the proviso to section 26 of the said Act, the following proviso shall be substituted, namely :— Amendment of section 26 of Mysore Act XXIX of 1951.

"Provided that the warehouseman shall show such preference to co-operative societies registered under the Mysore Co-operative Societies Act, 1948, and allow them such concessional rates as the Government may, from time to time, by order, direct."

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

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PART IV

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATIONS.

No. L.S. 806—L.W. 61-52-4, dated Bangalore, 17th May 1952.

In exercise of the powers conferred by Section 6 of the Mysore Shops and Establishments Act, 1948 (Mysore Act No. II of 1948), His Highness the Maharaja of Mysore is pleased to exempt all the Co-operative Institutions in the State of Mysore, registered under the Mysore Co-operative Societies Act, 1948, from all the provisions of the said Act.

By Order of His Highness the Maharaja,

No. L.S. 876—L.W. 234-51-4, dated Bangalore, 22nd May 1952.

Whereas the leave rules appended hereto applicable to persons employed in the Branches of the Standard Vacuum Oil Company, Ltd., established in the State of Mysore, are not less favourable than those for which provision is made in sub-sections (1) and (2) of Section 25 of the Mysore Shops and Establishments Act, 1948 (Mysore Act II of 1948);

Now, therefore, in exercise of the powers conferred by Section 6 of the Mysore Shops and Establishments Act, 1948 (Mysore Act II of 1948), His Highness the Maharaja of Mysore is pleased to exempt the said Branches of the Standard Vacuum Oil Company Ltd., from the provisions of sub-sections (1) and (2) of Section 25 of the said Act, subject to the condition that no modification in the rules appended hereto shall be made, unless the proposed modifications are approved by the State Government.

APPENDIX.

Privilege Leave.

(*a*) All employees, after completion of 12 months' continuous service, shall be entitled to privilege leave of 17 days on *working day basis*.

(*b*) Privilege leave may be accumulated up to a maximum period of 24 days. Management will always be willing to accede to the request of the employees to accumulate their leave subject, of course, to the exigency of business and smooth working of office routine.

(*c*) Privilege leave shall be approved by the local management on a " leave slate " basis.

An employee shall be deemed to have completed a period of 12 months continuous service notwithstanding any interruption in service during the 12 months brought about by sickness, accident or authorised leave not exceeding 90 days in the aggregate for all three.

Casual or Emergency Leave

An employee during his first 12 months of continuous service, and during every subsequent 12 months' of such service shall be entitled to 7 days' casual leave on *working day basis*.

(*a*) Casual or emergency leave is to be regarded as a means of providing an employee leave with pay for very brief periods for personal reasons which may be anticipated and for emergency personal reasons which cannot be anticipated. The intent is to grant casual leave of one or two days at a time as circumstances warrant.

(*b*) Prior approval must be obtained from management for all casual leave that may reasonably be anticipated. It will be necessary for employees concerned to satisfy management regarding all casual leave requested in circumstances of an emergency.

(*c*) Casual leave may be requested and granted from date of engagement, but in no circumstances may be considered to be cumulative.

Sick Leave.

(*a*) All employees during their first 12 months of continuous service and during every subsequent 12 months of such service shall be entitled to sick leave for 12 days on *calendar-day* basis.

(*b*) Employees who have not completed 10 years' service shall, in addition to the above 12 calendar days, be entitled to sick leave on half pay for 14 days on *working day basis* exclusive of Sundays and Holidays.

(*c*) Employees who have completed more than 10 years' service shall, in addition to the above 12 calendar days, be entitled to sick leave on half-pay for 21 days *on working day basis* exclusive of Sundays and Holidays.

It is expected that employees will avail themselves of the Medical benefit provided by the Company. However, in all cases approval of sick leave is contingent upon management being satisfied that employee is unfit for work.

By Order of His Highness the Maharaja.

No. L.S. 831—L.W. 73-52-2, dated Bangalore, 19th May 1952.

Whereas His Highness the Maharaja of Mysore is of opinion that an Industrial dispute exists between the Management of the several Hotels in Bangalore City specified in Schedule I below and the workmen employed by them in respect of the points of dispute specified in the Schedule II below;

And whereas His Highness the Maharaja of Mysore considers it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore is hereby pleased to refer the said dispute for adjudication to the Second Industrial Tribunal constituted in Government Notification No. L.S. 5330—L.W. 330-51-4, dated 28th March 1952.

SCHEDULE I.

1. Kalyan Cafe, Seshadripuram, Bangalore City.
2. Sri Krishna Bhavan, Balepet, Bangalore City.
3. Suryakala Restaurant, Avenue Road, Bangalore City.
4. Udipi Hotel and Restaurant, Chickpet, Bangalore City.
5. Bombay Indra Bhavan, Nagarthapet, Bangalore City.
6. Super Coffee House, Kempe Gowda Road, Bangalore City.
7. Shastry's Hotel, Chickpet, Bangalore City.
8. Chandra Bhavan Restaurant, O.P.H. Road, Bangalore 1.
9. Bharath Cafe, Brigade Road, Bangalore 1.
10. Kala Cafe, Chickpet, Bangalore City.
11. Sri Krishna Restaurant, Albert Victor Road, Bangalore City.
12. Sri Ramakrishna Lunch Home, Subedar Chattram Road, Bangalore City.
13. Shobha Restaurant, Balepet, Bangalore City.
14. Bombay Chandra Bhavan, Avenue Road, Bangalore City.
15. B.T.R. Bangalore Cafe, Avenue Road, Bangalore City.
16. Durga Bhavan, Balepet, Bangalore City.
17. Prakash Cafe, Albert Victor Road, Chamarajpet, Bangalore City.
18. B. T. R. Chandrakala Restaurant, Kempe Gowda Road, Bangalore City.
19. Eastern Lunch Home, Police Road, Bangalore City.
20. Neo Mysore Cafe, Arcot Sreenivasachar Road, Bangalore City.
21. Cubbon Park Restaurant, Cubbon Park, Bangalore City.
22. Naidu's Military Hotel, Balepet, Bangalore City.
23. Bombay Ananda Bhavan, O.P.H. Road, Bangalore 1.
24. Sri Krishna Lunch Home, Subedar Chattram Road, Bangalore City.

25. Vishranthi Bhavan, Chamarajpet, Bangalore City.
26. Sri Ambha Bhavan, Seshadripuram, Bangalore City.
27. Sri Lakshmi Vilasa Brahmins' Restaurant, Dharmaraja Koil Street, Bangalore.
28. Sri Jaya Cafe, Gundopanth Street, Bangalore City.

SCHEDULE II.

1. Payment of minimum wages and increments to Hotel-workers as noted below :—

			Rs.
(a) Head Cook for Sweets	...	...	125–5–150
(b) Head Cook for Savories	...	...	80–4–120
(c) Assistant Cooks	...	...	60–3–90
(d) Servers	...	...	40–2–60
(e) Grinders	...	...	40–2–60
(f) Cleaners	...	...	30–2–50
(g) Stores, etc.	...	...	50–2–80

2. Payment of Dearness Allowance to workers at 25 per cent of the wages paid to each worker, the minimum Dearness Allowance in any case being not less than Rs. 10 per mensem.

3. In addition to the holidays which the workers are entitled under the Factories Act and the Shops and Establishments Act, the following festival holidays to be granted to the workers :—

(1) Deepavali; (2) Pongal; (3) Avani Avittam; (4) Onam; (5) Ramzan; (6) Sivarathri; (7) Ayudhapuja; (8) Tamil New Year's Day; (9) Telagu New Year's Day; (10) May Day; (11) Independence Day; (12) Republic Day.

4. Grant of a sick leave of 15 days with full pay and further fifteen days' sick leave on half-pay to each worker.

5. Payment of bonus to each worker equal to three months' wages.

6. Payment of gratuity calculated at one months's salary for every year of service put in by the worker.

7. Starting of a Provident Fund Scheme, the contributions by the Management and Worker being equal.

8. Payment of compensation to the workers in respect of injuries sustained in the course of employment and treating the period under medical treatment as service.

9. Guarantee of service.

By Order of His Highness the Maharaja,

No. L.S. 939—L.W. 219-51-11, dated Bangalore, 27th May 1952.

In exercise of the powers conferred by sub-section (1) of section 3 of the Industrial Statistics Act, 1942 (Central Act No. XIX of 1942) and in supersession of previous notifications in this behalf, His Highness the Maharaja of Mysore is pleased to direct that statistics shall be collected under the said Act in respect of the following matters namely:

(*a*) all matters relating to factories, and

(*b*) the following matters so far as they relate to Welfare of labour and conditions of labour, namely :—

(i) prices of commodities,
(ii) attendance,
(iii) living conditions, including housing, water supply and sanitation,
(iv) indebtedness,
(v) rents of dwelling houses,
(vi) wages and other earnings,
(vii) provident and other funds provided for labour,
(viii) benefits and amenities provided for labour,
(ix) hours of work,
(x) employment and unemployment,
(xi) Industrial and Labour disputes.

By Order of His Highness the Maharaja,

No. L.S. 942—L.W. 219-51-12, dated Bangalore, 27th May 1952.

In exercise of the powers conferred by Section 4 of the Industrial Statistics Act, 1942 (Central Act No. XIX of 1942) and in supersession of Notification No. S.R. 6069-71—L.W. 66-44-13, dated 28th June 1946, His Highness the Maharaja of Mysore is pleased to appoint the Officers specified in the first column of the Table printed below to be the Statistics Authorities for the

purposes of the collection of statistics in respect of matters specified in the second column thereof.

TABLE.

1	2
1. The Commissioner of Labour in Mysore, Bangalore.	Matters specified in Notification No. L.S. 939—L.W. 219-51-11, dated the 27th May 1952, in respect of factories other than factories under the control of the Ministry of Defence, Government of India.
2. The Chief Statistical Officer, Army Headquarters, New Delhi.	Matters specified in Notification No. L.S. 939—L.W. 219-51-11, dated the 27th May 1952, in respect of factories under the control of the Ministry of Defence, Government of India.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 1529—Legis. 6-51-36, dated Bangalore, 12th November 1951.

Ordered that Notification Nos. S.R.O. 1527 and 1528, dated the 27th September 1951, of the Ministry of Finance under the Banking Companies Act, 1949, published in the *Gazette of India*, Part II, Section 3, dated the 6th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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GOVERNMENT OF INDIA

MINISTRY OF FINANCE.

(Department of Economic Affairs).

INSURANCE.

New Delhi, the 27th September 1951.

S.R.O. 1527.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (X of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 29 of the said Act shall not, for the calender year 1951, only, apply to a banking company which has been incorporated in a Part B State and which has till now confined its activities to Part B States only, if such company closes or has closed its annual accounts on a date other than the last working day of the said calendar year, provided such a banking company prepares its first balance sheet and profit and loss account for the purpose of the said section for the period between the date on which it closes or has closed its accounts and the last working day of the said calendar year.

[No. F. 4(59)-FI/51.]

S.R.O. 1528.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (X of 1949), and on the recommendation of the Reserve Bank of India, the Central Government hereby declares that in the case of a banking company which has been incorporated in any Part B States and which has till now confined its activities to Part B states,—

(*a*) the provisions of section 7 of the said Act shall not apply before the 1st April, 1953;

(*b*) the provisions of section 8 of the said Act shall not apply before the 1st April, 1952;

(*c*) the provisions of section 9 of the said Act shall not apply before the 1st April, 1958 in so far as regards immovable property acquired by such banking company before the 1st April, 1951;

(*d*) the provisions of sub-clauses (i) and (ii) of clause (*c*) of sub-section (1) of section 10 and section 16 of the said Act shall not apply before the 1st April, 1952;

(*e*) the provisions of section 11 of the said Act shall not apply before the 1st April, 1954;

(*f*) the provisions of section 12 of the said Act shall not apply before the 1st April, 1953;

(*g*) the provisions of sub-section (3) of section 19 of the said Act shall not apply before the 1st April, 1952;

(*h*) as shall have applied to the Reserve Bank for a licence under sub-section (1) of section 22 of the said Act on or before the 31st March, 1952 and which has not been informed by the Reserve Bank by notice in writing that a licence cannot be granted to it the provisions of the said sub-section shall not apply before the 1st April, 1954.

(*i*) the provisions of section 24 of the said Act shall not apply before the 1st April, 1953.

[No. F. 4(59)-FI/51.]

S. K. SEN, Dy. Secy.

NOTIFICATION 5334

No. L.D. 1524—Legis. 5-51-65, dated Bangalore, 12th November 1951.

Ordered that Notification No. S.R.O. 1526, dated the 26th September 1951, of the Ministry of Finance (Insurance) amending the Insurance Rules 1939, published in the *Gazette of India*, Part II, Section 3, dated the 6th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE.

(Department of Economic Affairs)

INSURANCE.

New Delhi, the 26th September 1951.

S.R.O. 1526.—In exercise of the powers conferred by sub-section (1) and (2) of section 114 of the Insurance Act, 1938 (IV of 1938), the Central Government hereby directs that the following further amendments shall be made in the Insurance Rules, 1939 the same having been previously published as required by sub-section (1) of the said section, namely :—

In the said rules,—

1. For the words "the provinces of India" wherever they occur the words 'the States' shall be substituted.

2. In clause (iv) of sub-rule (1) of rule 19, the words and figures "section 68 and in" shall be omitted.

3. After rule 23, the following rule shall be inserted, namely :—

"23-A. *Security from liquidator.*—Where a liquidator is appointed by the Controller under the provisions of sub-section (1) of section 90 of the Act, the Controller may demand from the liquidator such security and in such form as he may determine."

4. In rule 24-A,—

(i) in sub-rule (2) the words "Agent licence fee" shall be omitted,

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(ii) The following sub-rule shall be added at the end, namely: —

"(3) Where in respect of any fee specified in this rule 'Government of India Insurance' stamps of a greater value than is necessary have been inadvertently used or where the application or letter referring a dispute to the Controller bearing such stamps is not entertained by the Controller under Section 47-A of the Act for any reason, refund may be made of the excess over the necessary fee, or of the value of the stamps affixed, as the case may be."

5. For rule 29, the following rule shall be substituted, namely :—

"29. For the purpose of the Act, the business of an Insurer shall be deemed to be transacted—

(*a*) in India, if the insurance business, wherever effected, relates to any property situate in India or to any vessel or aircraft registered in India;

(*b*) in India or the States, according as the premiums in respect of those transactions are ordinarily paid in India or the States, as the case may be:

Provided that if any question arises whether any premiums are ordinarily paid inside or outside the States or India, the Controller shall decide the question and his decision shall be final."

6. In the Sehedule annexed to the said Rules,—

(i) In form V at the end of note 6 appended to the form, the following words shall be added, namely :—

"If required the applicant shall furnish proof of age."

(ii) in from V-C, in item (1) of paragraph 3, after the word 'individual' the words "Mr./Mrs./Miss" shall be inserted.

(iii) In form V-D—

(*a*) in clauses (i), (ii) and (iii) of paragraph 2, for the words "my firm" wherever they occur, the words "our firm" shall be substituted.

(*b*) In paragraph 3, after the words, figures and letter "clauses 2 and 4 of Part B" the words, figures and letter "clauses 2 and 3 of Part C" shall be inserted.

(iv) in note 1 to form V-E, for the word "desire", the word "desired" shall be substituted.

[No. 102-I.F. (1)/51.]

B. K. KAUL, Dy. Secy.

Registered No. M. 1175.

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PART IV

Section I-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 357—Legis. 4-52-3, Bangalore, dated 26th May 1952.

Ordered that the Displaced Persons (Claims) Continuance Ordinance, 1952 (Central Ordinance V of 1952) published in the *Gazette of India*, Part II, Section 1, dated the 5th May 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE DISPLACED PERSONS (CLAIMS) CONTINUANCE ORDINANCE, 1952.

NO. V OF 1952.

An Ordinance to continue the Displaced Persons (Claims) Act, 1950.

WHEREAS Parliament is not in session, and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

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NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Displaced Persons (Claims) Continuance Ordinance, 1952.

(2) It shall come into force at once.

2. Continuance of Act XLIV of 1950.—During the period of operation of this Ordinance, the Displaced Persons (Claims) Act, 1950, shall have effect as if in sub-section (3) of section 1 for the words "two years" there had been substituted the words "three years."

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

NOTIFICATION.

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No. C. 237—Co. 14-52, dated Bangalore, 24th May 1952.

Ordered that the accompanying Notification No. 3 (2)-P.C.—52, dated the 15th May 1952 of the Government of India, Ministry of Commerce and Industry, issued under the Supply and Prices of Goods Act, 1950 (LXX of 1950) be republished in the *Mysore Gazette*, for the information of the public.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Chief Secretary
to Government.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

ORDER.

New Delhi, the 15th May, 1952.

No. 3 (2) P.C.—52.—In exercise of the powers conferred by section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government, hereby directs that the following further amendments shall be made in the notification of the Government of India in the late Ministry of Industry and Supply, No. S.R.O. 499, dated the 2nd September, 1950, in so far as it relates to the fixation of maximum prices of bicycles, namely :—

1. In the Schedule annexed to the said notification after the entry relating to the 'Eastern Star Bicycle', the following entries shall be inserted, namely:—

"Zebra Bicycle"	"Rs. 177 per bicycle"
"Atlas Bicycle"	
"Army Bicycle"	

2. In the proviso to the said Schedule, for the words "Eastern Star Bicycle" occurring in clause (c), the following words "Eastern Star, Zebra, Atlas and Army Bicycles" shall be substituted.

C. R. NATESAN, Dy. Secy.

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NOTIFICATION.

No. T. 381—R. T. 16-52-1, dated Bangalore, 31st May—2nd June 1952.

The following draft of amendments to the Mysore Motor Vehicles and Road Traffic Rules, 1945, which it is proposed to make in exercise of powers conferred by Sections 21, 41, 65, 67, 68, 70, 71 (2), 73, 74, 75, 77, 80, 86 (2), 88, 90, and 91 of the Motor Vehicles Act, 1939, (Central Act IV of 1939) is hereby published as required by sub-section (1) of Section 133 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after 12th June 1952. Any objections or suggestions which may be received from any person in respect of the said draft by the Secretary to Government, Local Self-Government Department, before the date specified will be considered by the State Government.

1. In the said Rules, save as is otherwise hereinafter provided, and unless there is anything repugnant in the subject or context,—

(*a*) references to "the Act" in Chapters II to VII shall be construed as references to the Motor Vehicles Act, 1939, (Central Act IV of 1939) and references to any section of the Act shall be construed as references to the corresponding section of the said Motor Vehicles Act, 1939;

(*b*) references to the "Traffic Board" or the "Board" in Chapters II to VII and the forms in Appendix-I, shall be construed as references to the State Transport Authority; and

(*c*) references to the District Magistrate in Chapter IV and the Forms in Appendix--I, referred in that Chapter shall be construed as references to the Regional Transport Authority of the District.

2. In chapter II of the said Rules,—

(i) Rule 5 shall be omitted.

(ii) after Rule 16, the following rules shall be inserted :—

"16-A. *Appellate Authority.*—The authority empowered to hear appeals under sub-section (2) of section 13 or sub-section (3) of Section 15 of the Act, shall be the State Transport Authority.

16-B. *Appeal on Refusal of Authorization.*—Any person aggrieved by an order of the licensing authority refusing to grant an authorization to drive a public service vehicle may appeal to the State Transport Authority.

16-C. *Time for Appeal.*—An appeal under Rule 16-B shall be preferred within thirty days of the receipt of the order of refusal by the person aggrieved.

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16-D. *Form.*—An appeal under Rule 16-B and an appeal under sub-section (2) of Section 13 or sub-section (3) of Section 15 of the Act shall be in the form of a memorandum setting forth concisely the grounds of objection to the order which is the subject of appeal and shall be accompanied by the original or a certified copy of that order. A fee of two rupees shall be paid in respect of each appeal, such payment being made by means of court-fee stamps affixed to the memorandum of appeal".

3. In chapter III of the said Rules,—

(i) after Rule 48, the following rule shall be inserted :—

"48-A. *Temporary Registration—Delegation of Powers.*—Subject to the provisions of Section 25 of the Act and Rules 57-A to 57-D temporary certificates of registration may be issued by the persons appointed for the purpose by the registering authority ".

(ii) after Rule 57, the following rules shall be inserted.

"57-A. *Temporary Registration—Application.*—An application for temporary registration shall be in Form-E, as set forth in the First Schedule to the Act and clearly marked "Temporary". It shall not be necessary to fill in items 14 to 20 of that Form notwithstanding that the vehicle may be a transport vehicle.

57-B. *Form.*—A temporary certificate of registration shall be in form 6-A.

57-C. *Assignment of Mark.*—The authority granting a temporary certificate of registration shall assign a temporary registration mark to the vehicle and the owner shall cause the said mark to be affixed to the front and the rear of the motor vehicle in the manner prescribed for registration marks in these Rules".

(iii) In Rule 58 after item (v), the following item shall be inserted, namely :—

" (vi) for temporary registration Rs. 2"

(iv) In Rule 67, for the word "Province" the word "State" shall be substituted ;

(v) In Rule 92 for the words "District Magistrate" the words "Regional Transport Authority" shall be substituted ;

(vi) After Rule 108, the following Rules shall be inserted, namely :—

108-A. *Appellate Authority.*—The authority empowered to hear appeals against the orders of the registering authority shall be the State Transport Authority.

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108-B. *Appeal in Respect of Certificate of Fitness.*—Any person aggrieved by any order made by a District Superintendent of Police or an Inspector of Motor Vehicles in respect of a certificate of fitness may, within seven days of the date on which he has received notice of such order, appeal against the order to the Regional Transport Authority.

108-C. *Appeal—Form and fee.*—An appeal under Rule 108-A, or 108-B shall be in the form of a memorandum setting forth concisely the grounds of objection to the order which is the subject of appeal and shall be accompanied by the original or a certified copy of such order.

A fee of Five Rupees shall be paid in respect of each appeal, such payment being made by means of Court-fee Stamps affixed to the memorandum of appeal".

4. In Chapter IV of the said Rules,—

(i) Rules 115, 118, 119, 120, 123, 129, 131 to 136, 141 and 143 shall be omitted.

(ii) For Rules 109 and 110, the following rules shall be substituted, namely:—

"109. *The Transport Authorities.*—The names of the Members of the State Transport Authority and the Regional Transport Authorities to be constituted for the State and for each District respectively shall be notified by Government in the *Mysore Gazette.*

110. *Tenure of Office of non-official members of the State Transport Authority or Regional Transport Authorities.*—Every non-official Member of the State Transport Authority and Regional Transport Authorities shall hold office for a period of three years on and from the date on which his appointment is notified in the *Mysore Gazette* or until a later date on which the appointment of his successor is notified".

(iii) For Rule 112, the following rule shall be substituted, namely:—

112. *Meeting of the State Transport Authority and Regional Transport Authorities.*—The State Transport Authority and Regional Transport Authorities shall meet at least once a quarter on such date and at such time and place as may be determined by the Chairman and on such other occasions, so determined, as may be necessary for the prompt despatch of business:

Provided that adequate notice of such meetings and of the business to be transacted thereat shall be given for information of

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such persons who, being interested in the particular business to be transacted, may reasonably claim to be permitted to attend for purpose of making representations;

Provided further that at least seven days notice of meeting shall be given to the Members.

(iv) For Rule 114, the following rules shall be substituted, namely :—

"114. *Conduct of Business.*—(*a*) The Chairman shall regulate the conduct of business of the meetings.

(*b*) Every meeting of the State Transport Authority or Regional Transport Authorities shall be presided over by the Chairman and in his absence by a Member chosen by the meeting, at the instance of the Secretary, to preside for the occasion. The presiding member shall exercise all the powers of the Chairman.

(*c*) All questions which may come before the State Transport Authority or Regional Transport Authorities at any meeting shall be decided by a majority of members present and voting at the meeting and in every base of equality of votes the presiding member shall have and exercise a second or casting vote".

114-A. *Circulation of Papers.*—(*a*) Orders may be taken by circulating papers to the members of the State Transport Authority or Regional Transport Authorities unless any person has a right to be heard in accordance with the provisions of the Act and of these Rules, or unless in the opinion of the Chairman, any person has a reasonable claim to be heard in the matter. Where a case is so circulated it shall be open to any member to require that the matter shall be discussed at a meeting of the Authority concerned.

(*b*) Nothing contained in sub-rule (*a*) shall prevent the State Transport Authority or Regional Transport Authorities from deciding by the procedure of circulation any matter which has been considered at a meeting or has been the subject of hearing and upon which a decision has been reserved.

(v) For Rules 116 and 117, the following rules shall be substituted, namely :—

"116. *Duties of the Secretary, State Transport Authority and Chairman, Regional Transport Authorities.*—(*a*) The State Transport Authority and Regional Taansport Authorities shall each have a Secretary who shall be appointed by the Government. The Secretary shall also be the Executive Officer of the State Transport Authority and the Chairman, the Executive Officer of the Regional Transport Authority. The Government may appoint such staff for the Office of the State Transport Authority or Regional Transport Authorities as they deem desirable.

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(*b*) The Regional Transport Authority may for the prompt and convenient despatch of business by general or special resolution delegate to the Chairman the following functions :—

(i) Power under Section 47 of the Act to grant or refuse the State Carriage permit in cases where no objection or representations are received with reference to Section 57 (3) of the Act ;

(ii) Power to regulate timings of Stage Carriages under Section 48 (*c*) of the Act and to attach to a Stage Carriage permit conditions under Section 48 (*d*) of the Act;

(iii) Power under Section 50 of the Act to grant or refuse a Contract Carriage permit in cases where no objections or representations are received and power under Section 51 (*e*) of the Act to impose conditions on the use of a Contract Carriage ;

(iv) Power under Section 53 of the Act to grant or refuse a Private Carrier's permit and power to impose conditions subject to general or special orders of the State Transport Authority ;

(v) Power under Section 55 of the Act to grant or refuse Public Carrier's permit in cases where no objections or representations are received with reference to Section 57 (3) of the Act and powers under Section 56 (*b*) of the Act to attach conditions to a Public Carrier permit ;

(vi) Power under Section 57 (2) of the Act to appoint dates for the receipt of applications for Stage Carriage or Public Carrier's permit ;

(vii) Power under Section 57 (3) of the Act to publish applications for Stage Carriage or Public Carrier's permit ;

(viii) Power to renew a permit under Section 58 of the Act and power to extent the validity of the permit under Section 63 of the Act subject to the restrictions contained in Clauses (i), (iii), (iv) and (v) ;

(ix) Power under Section 59 (1) of the Act to transfer a permit otherwise than on the death the permit-holder in the case of vehicles other than Stage Carriage and power under Section 61 of the Act in respect of all vehicles on the death of a permit-holder ;

(x) Power under Section 59 (2) of the Act to permit the replacement of one vehicle by another ;

(xi) Power under Section 60 of the Act to suspend a permit ;

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(xii) Power under Section 62 of the Act to grant a temporary permit;

(c) The State Transport Authority may for the prompt and convenient despatch of its business by general or special resolution delegate to its Secretary all or any of the powers vested in it.

Provided :—

That no delegation to the Secretary, State Transport Authority, shall be made in respect of the following :—

(i) Power under Section 44 (3) (a) of the Act to co-ordinate and regulate the activities of the Regional Transport Authorities;

(ii) Power under Section 44 (3) to settle disputes or differences of opinion between the Regional Transport Authorities;

(iii) Power under Section 47 of the Act to grant or refuse Stage Carriage permits in cases where objections or representations are received with reference to Section 57 (3) of the Act;

(iv) Power under Section 50 of the Act to grant or refuse Contract Carriage permits in cases where objections or representations are received;

(v) Power under Section 64 of the Act to hear and dispose of appeals except the power to refuse to entertain appeals where such appeals are out of time and are otherwise clearly inadmissible under these Rules and the power to grant or refuse interim stay of orders of Regional Transport Authorities, appealed against:

Provided further that where the State Transport Authority delegates to its Secretary the power vested in it under Section 55 of the Act to grant or refuse public carrier permits, the Secretary shall exercise such power subject to such orders and directions as the State Transport Authority may from time to time issue in this behalf.

(d) The Secretary of the State Transport Authority and the Chairman of the Regional Transport Authority shall place before the next meeting of the Transport Authority concerned a report in writing of all action taken by him under the powers delegated to them.

(e) All orders of delegation made by the State Transport Authority or the Regional Transport Authority shall be posted on a Notice Board at the Office of the Transport Authority concerned.

(f) The State Transport Authority or the Regional Transport Authority may give general instructions as to the manner in which the Secretary or the Chairman shall exercise the powers delegated to him.

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117. *Delegations to District Magistrates, Etc.*—(1) The State Transport Authority or the Regional Transport Authority may by general resolution delegate to the District Magistrate or in his absence to his Gazetted Assistant the power under Section 62 of the Act to grant a temporary permit for a transport vehicle for a specified journey in any emergency ;

Provided :

That such Gazetted Assistant shall exercise this power only during the absence of the District Magistrate from headquarters.

(2) The District Magistrate or his Gazetted Assistant, as the case may be, shall make a report of the action taken by him in exercise of the powers delegated to the Secretary of the Transport Authority concerned, who shall place such report before the Authority at its next meeting.

(3) a temporary permit granted for a specified journey in pursuance of the delegation shall be valid in any other District or Districts in which the route may lie, but the Officer granting such temporary permits shall make a report thereof to the Authority or Authorities of the other District, or Districts concerned.

(vi) For Rules 121 and 122, the following rules shall be substituted, namely :—

121. *Appeals.*—An appeal from any order of the Secretary of the State Transport Authority or Chairman of the Regional Transport Authority under the powers delegated to them shall lie to the State Transport Authority or the Regional Transport Authority as the case may be within thirty days from the date of the communication of such order.

122. *Power of Government to remove Members.*—The Government may at any time after considering the representations, if any, put forward by the Members against such action, remove any member of the State Transport Authority and the Regional Transport Authorities from his office for failure to attend meetings of the State Transport Authority or the Regional Transport Authorities without good reasons or for any other reason they consider adequate."

(vii) For Rule 127, the following rule shall be substituted, namely :—

"127. *Application for Grant or Renewal of Permits.*—Every application for the grant or renewal of a permit or for an endorsement or renewal of an endorsement of a permit or for an extension or renewal of an extension of validity of a permit shall be made to the Transport Authority concerned which shall acknowledge its receipt. The Regional Transport Authority shall subject to such exemptions as

may be made by the State Transport Authority, call for applications in forms prescribed by a notice published in the *Mysore Gazette*, within a specified period of not less than fifteen days from the date of notification in the Gazette.

The State Transport Authority, may, subject to such exceptions as it may make, direct any Regional Transport Authority to take similar action in respect of permits for a State Carriage on any through route or routes".

(viii) For Rule 130 the following shall be substituted, namely:—

130. *The State Transport Authority to be Transport Authority for through traffic.*—The State Transport Authority shall be the sole Transport Authority in regard to through traffic along trunk roads and along such other roads as may be notified for this purpose, in the *Mysore Gazette* by the Government, and shall in respect of such traffic exercise the powers and functions conferred upon a Regional Transport Authority by or under Chapter IV of the Act and Rules, if any, made thereunder.

For the purposes of this rule, through traffic shall be deemed to be traffic beyond any one Revenue District in the State.

(ix) In Rule 139, the words from " with his recommendations " up to the end of the rule shall be omitted.

(x) For Rule 142, the following rule shall be substituted, namely:—

142. *Extension of Service.*—The State Transport Authority may at any time grant extension to any service if it is satisfied after enquiry that the needs of the public demand such extension sought for is beyond the jurisdiction of the Regional Transport Authority which has issued the original permit.

(xi) After Rule 143, the following rules shall be inserted, namely:—

143-A. *Applications—Publication of*:—Upon receipt of an application for a stage carriage permit or a public carrier's permit, the Secretary of the Regional Transport Authority or of the State Transport Authority, as the case may be shall publish the substance of the application together with the notice of the date before which representations may be submitted and of the date appointed for consideration, on a suitable notice board situated on the premises of the Authority.

143-B. *Applications—Publication of*:—It shall be sufficient compliance with the provisions of sub-section (3) of Section 57 of the Act if the particulars specified in that sub-section are posted on

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the official notice board of the Transport Authority not less than 15 days before the date appointed for the receipt of representations.

(xii) For Rule 146, the following rule shall be substituted, namely :—

146. It shall be a condition of every permit to use the vehicle or vehicles specified in it that tax shall be paid in respect of the vehicle or vehicles in accordance with the provisions of the Mysore Motor Vehicles Taxation and Tolls Act, 1951, and the Rules thereunder. When a Transport authority has suspended a permit for non-payment of tax, the order of suspension shall be in force only as long as the tax remains unpaid and shall be inoperative immediately on payment of the tax due on the vehicle or vehicles as the case may be.

(xiii) For Rules 170 and 171, the following rules shall be substituted, namely :—

170. *Permit—Delivery on Expiry* :—Within fourteen days of the expiry of any permit by the efflux of time, the holder who is not willing to run the service any longer shall deliver the permit to the Regional Transport Authority by whom it was issued and the Regional Transport Authority receiving any such permit shall intimate the fact to the authorities in whose jurisdictions the vehicle plies and in cases where the route extends over the jurisdiction of more than one Regional Transport Authority, report the matter to the State Transport Authority who may fill up the vacancy so caused having regard to the needs of the public.

171. *Permit—Transfer of* :—(*a*) When the holder of a permit desires to transfer the permit to some other person under sub-section (1) of Section 47 of the Act, he shall, together with the person to whom he desires to make the transfer, make joint application in writing to the Regional Transport Authority by whom the permit was issued, setting forth the reasons for the proposed transfer and the Regional Transport Authority may pass such orders thereon as it deems fit.

(b) In cases of permits relating to routes extending beyond the jurisdiction of the Regional Transport Authority, the concerned Regional Transport Authority shall forward such applications to the State Transport Authority along with its remarks and with particulars of premium, etc., and the State Transport Authority shall pass such orders as it may deem fit.

(xiv) In Rules 176, 177, 178, 180, 190 and 197, for the words "District Magistrate" the words "Transport Authority", shall be substituted.

(xv) Sub-Rule (1) of Rule 183, shall be omitted. S. 48

(xvi) After Rule 276, the following Rules shall be inserted namely:—

276-A. *Appeals.*—An appeal shall lie to the State Transport Authority against any order passed by a Regional Transport Authority within 30 days from the date of receipt of intimation of such order excluding the time required for preparing and obtaining a certified copy. From every original order of the State Transport Authority or an order passed on an appeal preferred against the order of Regional Transport Authority an appeal shall lie to Government within 90 days from the date of communication of such order subject to the condition that the time required to prepare and obtain a copy of the order appealed against shall be excluded.

276-B. Such appeals shall be in the form of a memorandum setting forth concisely the grounds of objection to the order, which is the subject of appeal and shall be accompanied by the original or a certified copy of that order.

276-C. A fee of Rs. 10 (Rupees Ten) in respect of each appeal to the State Transport Authority and Rs. 25 (Rupees twenty-five) in respect of each appeal to Government shall be paid, such payment being made by means of Mysore Court Fee Stamps affixed to the memo of appeal.

276-D. In any appeal filed either before the State Transport Authority or the Government, the State Transport Authority or the Government may in their discretion, pending the disposal of the case, direct the execution of the order complained against to be stayed.

276-E. The State Transport Authority or the Government may in their discretion give an opportunity to the appellant to be heard either personally or by Pleader and pass such orders as they deem fit after perusal of the entire records connected with the case.

5. In Chapter VII, in Rule 474, after the words "District Magistrate" insert "Or the Regional Transport Authority".

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6. In Appendix 1, after Form 6 the following Form shall be inserted, namely:—

FORM 6-A.

Temporary certificate of registration.

(*Rule 57-B, of the Mysore Motor Vehicles and Road Traffic Rules, 1945*).

Temporary registration mark .....

Name, Name of Father and address of owner .....

.....

Description of Vehicle.

1. Class of vehicle
2. Maker's name.
3. Type of body.
4. Seating capacity.
5. Colour.

Under the provisions of Section 25 of the Motor Vehicles Act, 1939, the vehicle described above has been temporarily registered by me and the registration is valid until the.....day of ..... 19 .

Date ..... 19 .

.....

(Signature and designation of Registering Authority or person appointed under Rule 48.)

By Order of His Highness the Maharaja,

A. S. KHALEEL,
Secretary to Government,
Local Self-Government Department.

NOTIFICATION.

S'S'O

No. L.D. 355—Legis. 5-52-18, Bangalore, dated 26th May 1952.

Ordered that Notification No. M. 104(6)—51, dated the 2nd May 1952 of the Ministry of Works, Production and Supply amending the Petroleum Rules, 1937, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS PRODUCTION AND SUPPLY.

NOTIFICATION.

New Delhi, the 2nd May 1952.

No. M-104(6)—51. In exercise of the powers conferred by Section 4 and sub-section (1) of Section 29 of the Petroleum Act, 1934 (XXX of 1934), the Central Government hereby directs that the following further amendment shall be made in the Petroleum Rules, 1937 the same having been previously published, as required by sub-section (2) of Section 29 of the said Act, namely.—

For rule 121 of the said Rules, the following rule shall be substituted:—

"121. Suspension and cancellation of licence—

(1) Every licence granted under these rules shall be liable to be suspended or cancelled by order of the licensing authority for any contravention of the Act or of any rule thereunder, or of any condition contained in such licence.

(2) Notwithstanding anything contained in sub-rule (1) the Central Government may suspend or cancel any licence granted under these rules if it is satisfied that there are sufficient grounds for doing so.

(3) Any authority, other than the Central Government, suspending or cancelling a licence under this rule shall record its reasons for so doing in writing.

(4) A copy of the order containing the reasons for the suspension or cancellation of a licence shall be given to the holder of the licence on payment of a fee of two rupees."

S. K. GUHA,
Under Secretary to the
Government of India.

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NOTIFICATION.

No. L.D. 356—Legis. 5-52-19, Bangalore, dated 26th May 1952.

Ordered that Notification No. M. 102(1)—52, dated the 12th May 1952 of the Ministry of Works, Production and Supply amending the Indian Explosives Rules, 1940, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS PRODUCTION AND SUPPLY.

NOTIFICATION.

New Delhi, the 12th May 1952.

No. M-102(1)—52. In exercise of the powers conferred by Section 65 of the Indian Explosives Act, 1884 (IV of 1884), the Central Government hereby directs that the following further amendment shall be made in the Explosives Rules, 1940, the same having been previously published, as required by Section 18 of the said Act, namely:—

In the said Rules—

In rule 3, for the definition of the term "District Authority", the following definition shall be substituted, namely:—

"'District Authority' means—

(i) in a Presidency town and the suburbs thereof (if any), which are for the time being situated within the local limits of the jurisdiction of the Commissioner of Police, the Commissioner of Police;

(ii) in the Cities of Hyderabad and Secunderabad *cum* Cantonment area, the Commissioner of City Police, Hyderabad.; and

(iii) elsewhere, the District Magistrate;"

S. K. GUHA,
Under Secretary to the
Government of India.

NOTIFICATION.

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No. L.D. 371—Legis. 5-52-20, dated Bangalore, 30th May 1952.

Ordered that Notification No. S.S. 105 (199), dated the 12th May 1952 of the Ministry of Labour, amending the Employees' State Insurance (Central) Rules, 1950, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 12th May 1952.

NOTIFICATION.

No. S.S. 105 (199). In exercise of the powers conferred by section 95 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby makes the following amendment in the Employees' State Insuran e (Central) Rules, 1950, the same having been previously published as required by sub-section (1) of the said section, namely :—

In the said rules for sub-rule (2) of rule 1 the following sub-rule shall be substituted, namely :—

"(2) They extend to the whole of India except the State of Jammu and Kashmir."

S. NEELAKANTAM, Dy. Secy.

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PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

No. L.D. 372—L.A. 19-52-2, dated Bangalore, 30th May 1952.

In exercise of the powers conferred by Article 186 read with clause (8) of Article 238 of the Constitution of India, the Rajpramukh of Mysore is pleased to direct that in addition to the salary and allowances determined in Notification No. L.D. 1195—R.A. 47-49-4, dated the 28th February 1950, the Speaker of the Legislative Assembly shall be paid travelling and daily allowances at the rates and upon the conditions specified hereunder:—

1. (1) While touring on official business within the State, the Speaker shall be entitled,—

(*a*) for journeys by train—to railway fare in respect of one first class compartment for himself, four third class fares for personal servants and charges for luggage not exceeding ten maunds:

Provided that the claim is supported by a certificate that the Speaker reserved a first class compartment for himself and travelled by train, with the number of servants and the weight of luggage specified in such certificate:

Provided further that if the Speaker travels by road instead of by railway train, the claim is supported by a certificate specifying the number of servants who travelled and the weight of luggage transported by train;

(*b*) for journeys by road—at eight annas per mile for the first 50 miles and at Re. 0-5-4 per mile for any distance beyond 50 miles travelled on one day;

(c) to daily allowance—at Rs. 10 per day for the days of journey by rail and for the days of halt at any place.

(2) The Speaker may take his wife and other members of his family in the first class compartment by train without payment of any extra railway fares.

(3) The allowances specified in sub-clause (1) shall be payable for attending the Convocation of the University of Mysore, Conferences and similar public functions.

2. While touring on official business outside the State, the Speaker shall be entitled,—

(a) for journeys by train—to railway fare in respect of one first class compartment of three berths or two first class fares, four third class fares for personal servants and charges for luggage not exceeding ten maunds:

Provided that the claim is supported by a certificate that the Speaker reserved a first class compartment or first class berth, as the case may be, and travelled by train with the number of servants and the weight of luggage specified in the certificate:

Provided further that if the Speaker travels by road instead of by train, the claim is supported by a certificate specifying the number of servants travelled and the weight of luggage transported by train;

(b) for journeys by air—to one and a half times the single daily allowance admissible in addition to actual plane fare paid for such journeys;

(c) to daily allowance at—

(i) two and a half times the daily allowance specified in item (c) of sub-clause (1) of Clause 1, at Bombay, Delhi and Simla. (ii) One and a half times the daily allowance specified in item (c) of sub-clause (1) of Clause 1, at other places.	For the days of journey by rail and for the days of halt at any place.

3. In addition to the allowances specified in clause 1, the Speaker shall until further orders, be entitled to 33 1/3 per cent of the road mileage and daily allowance payable under the said clause.

This notification shall be deemed to have come into force on 28th day of February 1950.

JAYA CHAMARAJA WADIYAR,
Maharaja of Mysore.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATIONS.

No. C. 211—Co. 4-52-5, dated Bangalore, 24th May 1952.

In exercise of the powers conferred by Section 3 and clause (a) of sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the Schedule to Notification No. C. 3130—Co., dated the 3rd October 1949, namely:—

(1) In respect of the drugs in the said schedule specified in column 1 herender which are manufactured by Boots Pure Drug Co. (India), Ltd., Bombay and Imperial Chemical Industries (India) Ltd., for the prices specified in column 2 of the said schedule the prices specified in column 2 hereunder shall be substituted:

BOOTS PURE DRUG CO., (INDIA) LTD., BOMBAY.

Sulphaguanidine—Boots:

	Rs. a. p.
Tablets of 0·5 gm containers of 500 ...	20 0 0

IMPERIAL CHEMICAL INDUSTRIES (INDIA) LTD., CRYSTALLINE PENICILLIN G. (SODIUM SALT).

'Avlon' Brand.

Vials of 0·2 mega unit:		
Singly, and in containers of 10 vials ...	per vial	0 15 0
Vials of 0·5 mega unit:		
Singly, and in containers of 10 vials ...	do	1 12 3
Vials of 1·0 mega unit.		
Singly, and in containers of 10 vilas ...	do	2 15 6

Penicillin G (Sodium Salt)—**Distillers Company (Biochemicals) Ltd.**

		Rs.
Vials of 0·2 mega unit available in boxes of 5 vials	per vial	0 15 0
Vials of 0·5 mega unit available in boxes of 5 vials	do	1 12 3
Vials of 1·0 mega unit available in boxes of 5 vials	do	2 15 6
Distaquaine G Crystalline Penicillin G Procaine Salt-Distillers Company (Biochemicals) Ltd., U.K.		
Vials of 0·3 mega units... ...	do	1 9 0
Vials of 0·9 mega unit (in boxes of 5 vials)	do	3 12 0
Distaquaine Fortified Crystalline Penicillin G Procaine Salt and Potassium Salt (Buffered)—Distillers Company (Biochemicals) Ltd., U.K.		
Vials of 0·4 m.u., ...	do	1 14 9
Vials of 1·2 m.u., ...	do	4 13 6

By Order of His Highness the Maharaja,

No. C. 224—Co. 4-52-6, dated Bangalore, 24th May 1952.

In exercise of the powers conferred by Section 3 and clause (a) of sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the Notification No. C. 3130—Co., dated the 3rd October 1949, namely :—

In the schedule annexed to the said notification —

(1) To the entries under the heading "*Imperial Chemical Industries (India) Ltd.*", the following entry shall be added, namely:—

'Avloprocil' N.A.—Crystalline Penicillin G Procaine Salt and Potassium Salt (Buffered)

Vials of 0.4 m.u.—per vial—Rs. 1-14-9

(2) To the entries under the heading "*Volkart Brothers, Bombay*", the following entries shall be added, namely:—

Benerva 'Roche'

Vitamin Bl, aneurine, thiamine

			Rs. a. p.
tablets 100 mg bottles of 20	...	...	7 10 0
tablets 100 mg bottles of 100	...	...	33 12 0

Ephynal 'Roche'

Vitamine E, dl-alpha tocopherol

tablets 100 mg bottles of 20	...	...	10 9 0
tablets 100 mg bottles of 100	...	...	45 12 0

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Chief Secretary,
to Government.

No. T. 844—R.T. 212-51-8, dated Bangalore, 30th May 1952

In exercise of the powers conferred by Section 8 of the Mysore Motor Vehicles Taxation and Tolls Act, 1951 (Mysore Act No. XII of 1951) and in supersession of Notification No. T. 2866—R.T. 50-43-4, dated 5th June 1944, His Highness the Maharaja of Mysore is pleased to order the reduction of the Quarterly Service Tax payable to Rs. 75 per vehicle per quarter in respect of Contract—Carriages belonging to Messrs. Hindustan Aircraft Ltd., used solely for conveying the employees of the said concern between Bangalore City and the Hindustan Aircraft Factory.

By Order of His Highness the Maharaja,

A. S. KHALEEL,
Secretary to Government,
Local Self-Government Department.

No. 1930—Eln. 19-52-2, dated Bangalore, 29th May 1952.

CORRIGENDUM.

In Notification No. E.B. 1701—Eln. 19-52-1, dated the 14th May 1952, published in the *Mysore Gazette* (Extraordinary) of even date, *for* "Sri B. Venkataramiah, B.A., B.L." occurring against serial No. 8 therein, *read* "Sri D. Venkataramiah, B.A., B.L."

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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560.

The Mysore Gazette

(PUBLISHED BY AUTHORITY)

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PART IV.

Section—1-C.

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 1525—Legis. 5-51-66, dated Bangalore, 12th November 1951.

Ordered that Notification No. 1559, dated the 1st October, 1951 of the Ministry of Labour amending the Employment of Children (Federal Railways) Rules, 1940 published in the *Gazette of India*, Part II, Section 3, dated the 6th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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GOVERNMENT OF INDIA

MINISTRY OF LABOUR

S.R.O. 1559.—In exercise of the powers conferred by section 7 of the Employment of Children Act, 1938 (XXVI of 1938), the Central Government hereby directs that the following amendment shall be made in the Employment of Children (Federal Railways) Rules, 1940, the same having been previously published as required by sub-section (1) of the said section, namely :—

Amendment.

In the said Rules—

1. In rules 1, 3 and 4, the word "Federal" shall be omitted.
2. Rule 1 shall be re-numbered as sub-rule (1) of that rule and after sub-rule (1) as so re-numbered, the following sub-rule shall be inserted, namely :—

"(2) They extend to the whole of India except the State of Jammu and Kashmir."

3. In rule 4, for the words "British India", the word "India" shall be substituted.

[No. Fac. 21 (128) A]

N. M. PATNAIK, Dy. Secy.

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NOTIFICATION.

No. L.D. 1526—Legis. 5-51-67, dated Bangalore, 12th November 1951.

Ordered that Notification No. S.R.O. 1558, dated the 1st October, 1951 of the Ministry of Labour amending the Payment of Wages (Procedure) Rules, 1937 published in the *Gazette of India*, Part II, section 3, dated the 6th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LABOUR

S.R.O. 1558.—In exercise of the powers conferred by sub-section (1) of section 26, read with section 24, of the Payment of Wages Act, 1936 (IV of 1936), the Central Government hereby directs that the following amendment shall be made in the Payment of Wages (Procedure) Rules, 1937, the same having been previously published as required by sub-section (5) of the said section, namely :—

Amendment.

Rule 1 of the said Rules shall be re-numbered as sub-rule (1) of that rule and after sub-rule (1) as so re-numbered, the following sub-rule shall be inserted, namely :—

"(2) They extend to the whole of India except the State of Jammu and Kashmir."

[No. Fac. 21 (122)]
N. M. PATNAIK, Dy. Secy.

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NOTIFICATION.

No. L.D. 1527—Legis. 5-51-68, dated Bangalore, 12th November 1951.

Ordered that Notification No. S.R.O. 1551, dated the 1st October, 1951 of the Ministry of Labour, the Industrial Disputes (Appellate Tribunal) Rules, 1951 published in the *Gazette of India*, Part II, Section 3, dated the 6th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LABOUR.

New Delhi, the 1st October 1951.

S.R.O. 1551.—In exercise of the powers conferred by section 35 of the Industrial Disputes (Appellate Tribunal) Act, 1950 (XLVIII of 1950), and in supersession of the notification of the Government of India in the Ministry of Labour No. LR91(3), dated the 8th August 1950, the Central Government hereby makes the following rules :—

1. *Short title.*—These rules may be called the Industrial Disputes (Appellate Tribunal) Rules, 1951.

2. *Definition.*—In these rules,—

(*a*) "Act" means the Industrial Disputes (Appellate Tribunal) Act, 1950 (XLVIII of 1950);
(*b*) "Form" means a form appended to these rules;
(*c*) "Section" means a section of the Act;
(*d*) "Tribunal" means the Labour Appellate Tribunal constituted by the Central Government under section 4 of the Act; and includes where the context so requires a Bench of the Tribunal constituted under section 8(1) of the Act.
(*e*) "Chairman" means the Chairman of the Tribunal;
(*f*) "Registrar" means the person who for the time being is discharging the functions of the Registrar of the Tribunal.

3. *Form of appeal.*—Every appeal shall be preferred to the Tribunal in Form 'A' and shall be signed by the appellant or his authorised agent.

NOTE.—A party shall not be allowed to file a memorandum of cross-objections.

4. *Presentation.*—(1) A memorandum of appeal to the Tribunal may be presented in person or by an authorised agent to the Registrar or to an Officer authorised in this behalf by the Chairman or by the Registrar with the approval of the Chairman at the seat of the Tribunal within the region from which the appeal arises or sent by registered post acknowledgment due addressed to the Registrar or such Officer to that place.

(2) Where a memorandum of appeal is sent by registered post an acknowledgment of its receipt shall be sent to the appellant by registered post specifying the date of receipt.

(3) Every memorandum of appeal shall be presented in triplicate and shall be accompanied by—

(a) either a copy of the gazette in which the award or decision appealed from has been published or by a certified copy of such award or decision, and two other typed copies thereof;

(b) As many copies of the memorandum of appeal as there are respondents for service on the respondents; and

(c) a fee of Rs. 25.

Provided that the Tribunal may at its discretion and subject to such conditions as it may impose, accept a memorandum of appeal which is not accompanied by the documents referred to above. But the appeal shall not be registered till the conditions imposed are complied with.

NOTE.—The provisions of Order XLIV of the Code of Civil Procedure will not be applicable.

5. *Date of presentation.*—Where a memorandum of appeal is presented, the Registrar or other authorised officer shall endorse thereon the date of its presentation:

Provided that where a memorandum of appeal is sent by registered post, it shall be deemed to have been presented on the day on which it is received in the office of the Registrar or, as the case may be in the office of the authorised Officer.

6. *Signature on Memorandum.*—In the case of an appeal by a corporation, the memorandum of appeal may be signed by the Secretary or by any Director or other principal officer of the Corporation, and in the case of an appeal by a firm a memorandum of appeal may be signed by any partner of the firm.

7. *Signature by authorised representative.*—(1) Where a memorandum of appeal is signed by an authorised agent of the appellant such agent shall annex to it the document constituting his authority and his acceptance of it.

(2) *A Court Fee* of Re. 1 shall be payable in respect of every such document.

3. *Amendment of Memorandum of Appeal.*—(1) Where a memorandum of appeal is not drawn up in the manner prescribed, the tribunal shall return it to the appellant for amendment then and there or within a time to be fixed by the tribunal.

(2) The Tribunal may for sufficient cause extend the time so fixed whether before or after its expiry.

(3) If the memorandum of appeal is not amended by the appellant as directed by the Tribunal, or within the time allowed by it, it shall be rejected.

(4) Where a memorandum of appeal is amended the Tribunal or such officer as it may appoint in this behalf shall sign or initial such amendment.

9. *Preliminary hearing of the Appeal.*—Where the Tribunal chooses to proceed under sub-section 2 of Section 9 of the Act, it shall fix the date, time and place of the hearing of the appeal and shall notify the same, to the appellant. Such notice shall be given by registered post.

10. *Service of the notice of Appeal.*—(1) Where the Tribunal does not choose to proceed under sub-section (2) of section 9 of the Act or does not dismiss the appeal under that section, it shall fix a date, time and place for the hearing of the appeal and notify the same to the appellant by registered post. It shall also serve

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on the respondent a notice in Form 'B' specifying the date, time and place of the hearing of the appeal.

(2) Notice of the date fixed under sub-rule (1) shall be affixed in the premises where the Tribunal sits.

11. *Manner of service on the respondent.*—(1) Notice of the date fixed under rule 10 shall be served on the respondent by registered post or in the manner provided for the service on a defendant of a summons under the Code of Civil Procedure if the Tribunal so directs.

NOTE.—Refusal to accept notice sent by registered post may be taken to be sufficient service.

12. *Dismissal for default and* ex parte *hearing:*—(1) Where on the date fixed for hearing or any other date to which the hearing may be adjourned the appellant or his authorised agent does not appear when the appeal is called on for hearing the Tribunal *may* make an order that the appeal be dismissed.

(2) Where the appellant or his authorised agent appears but the respondent or his authorised agent does not appear, the appeal may be heard *ex parte.*

13. *Procedure on hearing.*—(1) On the date fixed or any other date to which the hearing may be adjourned, the appellant shall be heard in support of the appeal.

(2) The Tribunal shall then, if it does not dismiss the appeal at once, hear the respondent against the appeal, and in such case the appellant shall be entitled to reply.

14. *Restoration of appeal and setting aside* ex parte *decision.*—(1) The Tribunal may, for sufficient cause, set aside after notice to the opposite party the order of dismissal of the appeal for default of appearance or the *ex parte* decision, either wholly or in part as the case may be, on an application made within *fifteen* days of the order of dismissal or of the *ex parte* decision, as the case may be. The Tribunal may extend the time on sufficient cause being shown.

(2) Such an application must be supported by an affidavit.

15. *Power to adjourn hearing and direct persons interested to be added as parties.*—(1) Where it appears to the Tribunal at the hearing that any person who was a party to the proceedings relating to the award or decision appealed from but who has not been made a party to the appeal is interested in the result of the appeal, or

Where a party to the appeal dies during the pendency of the appeal and the Tribunal is of opinion that his legal representative is interested in the subject matter of the appeal or in a part thereof, the tribunal may adjourn the hearing to a future date to be fixed by it and direct such person or the legal representative of a deceased party, as the case may be to be made a party to the appeal.

(2) Where during the pendency of an appeal, an assignment, transfer or devolution of any interest in the subject matter of the appeal has taken place, the appeal may be continued by leave of the Tribunal by or against the person to or upon whom such interest has been assigned, transferred or devolved.

16. *Power of the Tribunal to take additional evidence.*—(1) The parties to the appeal shall not be entitled to adduce additional evidence, whether oral or documentary, before the Tribunal except where the Industrial Tribunal has refused to admit that evidence or decided the case without giving reasonable opportunity to the party to adduce it.

(2) If the Tribunal considers such evidence to be material it may either take such evidence or direct the Industrial Tribunal from whose award or decision the appeal is preferred or any other Industrial Tribunal to take such evidence and send it when taken to the Tribunal.

17. (1) The Tribunal may at any stage of the appeal call for and admit such additional evidence as it may consider necessary or direct the Industrial Tribunal from whose award or decision the appeal is preferred or any other Industrial Tribunal to take such evidence and send it when taken to the Tribunal.

(2) The Tribunal shall record its reasons for admitting the additional evidence.

18. *Order on appeal.*—(1) The Tribunal may after hearing the parties, pronounce judgment either at once or at some future date of which notice shall be given to the parties.

(2) If the delivery of the judgment is postponed to a future date it shall not be necessary for all the members of the Tribunal who heard the appeal to sit together for the delivery of the judgment and any one member thereof shall be entitled to deliver the judgment in the absence of the other or others provided that it is previously signed by the absentee members or members of the Tribunal who heard the appeal.

19. Every complaint under section 23 of the Act shall be presented in Form E appended to these Rules and shall be supported by an affidavit regarding the facts stated sworn in the manner provided for by the Rules made by the Tribunal under sub-section (10) of section 9 of the Act. It shall also be accompanied by three copies of the complaint and annexures for the use of the Tribunal and as many copies of the same as there are opposite parties to the complaint.

20. Costs ordered to be paid by the Appellate Tribunal or the Industrial Tribunal by any party shall be recoverable as arrears of land revenue or as a public demand.

21. A *Court Fee* of Re. 1 shall be paid in respect of every affidavit filed before the Tribunal.

22. Every person who is summoned and duly attends as a witness before the Tribunal, shall be entitled to an allowance for meeting his travelling and other expenses according to the scale for the time being in force with respect to witnesses in civil courts, in the State where the appeal is heard.

23. A summons issued by the Tribunal requiring any person to give evidence and/or to produce before it any books, papers or other documents and things in his possession or under his control in any way relating to the matter under appeal before the Tribunal which it thinks necessary for the purpose of such appeal shall be in Form 'C'.

24. Any notice, summons, process or order issued by the Tribunal may be served by registered post.

25. Any worker or employer desirous of being represented by another under sections 33(1)(*c*) and 33(2)(*c*) respectively of the Act shall authorise such other person in writing in Form 'D'.

26. The Tribunal may correct clerical mistakes or errors arising from an accidental slip or omission in its decision.

27. The language of the Tribunal shall be English.

28. (1) Copying fees shall be charged as follows :—

(*a*) For the first 200 words or less, 12 annas.

(*b*) For every additional 100 words or fraction thereof, 6 annas.

(2) For certifying a copy of a fee of Re. 1 shall be payable.

(3) Copying and certifying fees shall be paid in advance in cash.

(4) Where a party applies for immediate delivery of a copy, the fees chargeable shall be 50 per cent more than that specified in sub-rule (1).

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HONOURABLE LABOUR APPELLATE TRIBUNAL

FORM 'A'

Before the Honourable Labour Appellate Tribunal [Constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950.]

Memorandum of Appeal to the Tribunal

Appeal No. ..... of 195 .

A ..... Appellant/s

Address :—

versus

B .....Respondent/s

Address :—

In the matter of.....the appellant/s above-named beg/s to appeal against the award or decision of ..... made on..... .....in the above matter on the following amongst other grounds :—

1. That.....
2. That.....etc.

Certified copy of the award or decision appealed against (together with two spare copies) is enclosed herewith.

(1) Signature or thumb-impression of appellant/s

Date .....

I/the appellant/s does/do solemnly declare that what is stated in paragraph..... .....above is true to my knowledge, in paragraph..... to my belief and in paragraph.....to my information. This verification is signed at..... on.....day of .....195 .

(2) Signature or thumb-impression of appellant/s or his/their authorised representative agent

Signature etc.

Drafted by

Place

HONOURABLE LABOUR APPELLATE TRIBUNAL

Form 'B'

To

.....

.....

.....

TAKE NOTICE that an appeal from the award or.....
decision of.....
has been presented by.....
and registered in this Tribunal and that the.....
day of .....195.....has been fixed by this Tribunal for the hearing
of this appeal at.....o'clock.....
at.....

If no appearance is made on your behalf by yourself or by your authorised representative, it will be heard and decided in your absence.

Registrar,
Dated..... LABOUR APPELLATE TRIBUNAL

HONOURABLE LABOUR APPELLATE TRIBUNAL

Form 'C'

Appeal from the.....of industrial Tribunal
of.....dated the.....
.....Appellant/s.

versus

.....Respondent/s.

Whereas the above appeal has been presented to this Tribunal and whereas your attendance is required, you are hereby summoned to appear before this Tribunal in person on the.....
day of.....at..... o'clock
at.....to *answer all material questions relating to the said appeal and you are directed to produce on that day all the books, papers and other documents and things in your possession or under your control in any way relating to the matter under appeal before this Tribunal.

Registrar,
Dated..... LABOUR APPELLATE TRIBUNAL

*Portions not required, to be deleted while issuing the Summons.

HONOURABLE LABOUR APPELLATE TRIBUNAL

FORM 'D'

Appeal No. ..... of .....

....Appellant/s

versus

..... Respondent/s

In the matter of.....

To

The Registrar,

Labour Appellate Tribunal.

Dear Sir,

Be pleased to note that I/we have appointed Mr. .....to appear for me/us in the above matter.

Dated this.....day of.. .....195 .

Yours faithfully,
(Signature)
Address :

Accepted.

(Signature)
Address :

HONOURABLE LABOUR APPELLATE TRIBUNAL

FORM 'E'

Before the Honourable Labour Appellate Tribunal.

Complaint under section 23 of the Industrial Disputes (Appellate Tribunal) Act, 1950.

A .....Complaint(s)

Address :—

versus

B .....Opposite Party(ies).

Address :—

In the matter of the Award or Decision of.....made on .....in the above matter.

The petitioner(s) beg(s) to complain that the Opposite Party(ies) has/have been guilty of the contravention of the provisions of Section 22 of the Industrial Disputes (Appellate Tribunal) Act, 1950 (XLVIII of 1950) as shown below.

(Here set out in short paragraphs particulars showing the manner in which the alleged contravention has taken place and the grounds on which the order or act of the Management is challenged.)

The complaint(s) accordingly pray(s) that the Honourable Tribunal may be pleased to decide the complaint set out above and pass such order or orders as to it may deem fit and proper.

The number of copies of the complaint and its annexures required by Rule 19 of the Industrial Disputes (Appellate Tribunal) Rules, 1951, are submitted herewith.

(Signed)

Dated.....this.....day of.....195 .

[No. LR91 (3).]

S. NEELAKANTAM, Dy. Secy.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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NOTIFICATION.

No. C. 257—Co. 14-52-4, dated Bangalore, 2nd June 1952.

Ordered that the accompanying Notification No. 3 (3)-PC—52, dated the 19th May 1952, of the Government of India, Ministry of Commerce and Industry, issued under the Supply and Prices of Goods Act, 1950, (LXX of 1950), be republished in the *Mysore Gazette*, for the information of the public.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Chief Secretary to Government.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 19th May 1952.

NOTIFICATION.

No. 3 (3)-P.C.—52. In exercise of the powers conferred by Section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the late Ministry of Industry and Supply No. S.R.O. 499, dated the 2nd September 1950, in so far as it relates to the fixation of maximum prices of bicycles, namely :—

In the entry in column (1) of the Schedule annexed to the said notification, for the entry " Bicycle of any other make ", the entry " Bicycle of any other make of standard size ", shall be substituted.

P. S. SUNDARAM,
Under Secretary to the Government of India.

NOTIFICATION.

No. C. 266—Co. 17-52-2, dated Bangalore, 4th June 1952.

Ordered that the accompanying Notification No. S.R.O. 829, dated the 10th May 1952 of the Government of India, Ministry of Commerce and Industry issued under the Essential Supplies (Temporary Powers) Act, 1946 (XXXIV of 1946), rescinding the

Cotton Textiles (Transmission by Post) Prohibition Order, 1951, be republished in the *Mysore Gazette*, for the information of the public.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Chief Secretary to Government.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

ORDER

New Delhi, the 10th May 1952.

S.R.O. 829.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXXIV of 1946), the Central Government hereby rescinds the Cotton Textiles (Transmission by Post) Prohibition Order, 1951, issued with the notification of the Government of India, Ministry of Commerce and Industry No. S.R.O. 755, dated the 19th May 1951.

S. A. TECKCHANDANI,
Under Secretary.

NOTIFICATION.

No. L.D. 392—Legis. 5-52-21, Bangalore, dated 3rd June 1952.

Ordered that Notification No. M-102(1)—52, dated the 9th May 1952 of the Ministry of Works, Production and Supply amending the Petroleum Rules, 1937, the Carbide of Calcium Rules, 1937, and the Cinematograph Film Rules, 1948, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

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GOVERNMENT OF INDIA.

MINISTRY OF WORKS, PRODUCTION AND SUPPLY.

NOTIFICATION.

New Delhi, the 9th May 1952.

No. M-102 (1)—52. In exercise of the powers conferred by Section 4 and sub-section (1) of Section 29 of the Petroleum Act, 1934 (XXX of 1934), the Central Government hereby directs that the following further amendment shall be made in the Petroleum Rules, 1937, the Carbide of Calcium Rules, 1937, and the Cinematograph Film Rules, 1948, the same having been previously published, as required by sub-section (2) of Section 29 of the said Act, namely :—

In Rule 3 of each of the said Rules, for the definition of the term "District Authority", the following definition shall be substituted, namely :—

"District Authority" means—

(*i*) in a Presidency town and the suburbs thereof (if any) which are for the time being situated within the local limits of the jurisdiction of the Commissioner of Police, the Commissioner of Police;

(*ii*) in the cities of Hyderabad and Secunderabad-*cum*-Cantonment area, the Commissioner of City Police, Hyderabad; and

(*iii*) elsewhere, the District Magistrate;"

S. K. GUHA,
Under Secretary to the
Government of India.

NOTIFICATION.

No. L.D. 393—Legis. 5-51-22, dated Bangalore, 3rd June 1952.

Ordered that Notification No. M-103 (2)—52, dated 7th May 1952 of the Ministry of Works, Production and Supply amending the Explosives Rules, 1940, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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GOVERNMENT OF INDIA.

MINISTRY OF WORKS, PRODUCTION AND SUPPLY.

NOTIFICATION.

New Delhi, the 7th May 1952.

No. M. 103 (2)—52. In exercise of the powers conferred by Section 5 of the Indian Explosives Act, 1884 (IV of 1884), the Central Government hereby directs that the following further amendment shall be made in the Explosives Rules 1940, the same having been previously published, as required by Section 18 of the said Act, namely :—

In the said Rules—

(1) In clause (*c*) of sub-rule (3) of Rule 29, for the word 'and.' the word 'or' shall be substituted.

(2) To sub-rule (2) of Rule 87, the following proviso shall be added namely :—

" Provided that where a license cannot be endorsed forthwith, it shall come into force from such date as the Chief Inspector may by order in writing direct ".

S. K. GUHA,
Under Secretary to the
Government of India.

NOTIFICATION.

No. L.D. 405—Legis. 6-52-11, dated Bangalore, 4th June 1952.

Ordered that Notification No. M.-102 (43)—51, dated the 31st March 1952 of the Ministry of Works, Production and Supply as amended by Government of India Notification No. M-102 (43)—51, dated 30th April 1952, under the Inflammable Substances Act, 1952, (Central Act XX of 1952), be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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GOVERNMENT OF INDIA.

MINISTRY OF WORKS, PRODUCTION AND SUPPLY.

NOTIFICATION.

New Delhi, the 30th April 1952.

No. M.-102 (43)—51. In exercise of the powers conferred by sub-section (1) of section 4 of the Inflammable Substances Act, 1952 (XX of 1952), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Works, Production and Supply No. M.-102 (43)—51, dated the 31st March, 1952, namely :—

1. The words "and methyl alcohol" and "or methyl alcohol" occurring in paragraphs 1 and 2 respectively, of the said notification, shall be deleted.
2. In item 3 of the schedule annexed to the said notification, for the words "and Nowgong" the following shall be substituted, namely:—

"Nowgong, Hanumana and Chakghat."

Copy of Notification No. M-102 (43)—51, dated 31st March, 1952 from the Ministry of Works, Production and Supply.

No. M.-102 (43)—51. In exercise of the powers conferred by sub-section (1) of section 4 of the Inflammable Substances Act, 1952 (XX of 1952) and in supersession of the notification of the Government of India in the late Department of Labour No. E 102, dated the 30th June, 1942, the Central Government hereby applies all the provisions of the Petroleum Act, 1934 (XXX of 1934), and of the Petroleum Rules, 1937, made under the said Act to ethyl alcohol throughout the territory of India, except the areas specified in the schedule hereto annexed.

Provided that where the Chief Inspector of Explosives in India is satisfied that in respect of any ethyl alcohol the application of the provisions of the said Act and of the said Rules may safely be suspended or modified, he may by order in writing, authorise such suspension or modification for such period and under such conditions as he may think fit, and may at any time revoke such order.

SCHEDULE.

1. The State of Jammu and Kashmir.
2. The tehsils of Bahadurgarh, Mahm, Sonepat, Jhajjar, Gohana and Kharkhauda in the district of Rohtak, Ellenabad, Sirsa, Kalanwali and Tohana in the district of Hissar, Panipet and Smalkha in the district of Karnal, and Ballabgarh, Faridabad, Gurgaon, Palwal, Sohna, Rewari and Pataudi in the district of Gurgaon, Punjab.
3. Chattarpur, Charkhari, Datia, Harpalpur, Nowgong, Hanumana and Chakghat in the State of Vindhya Pradesh.

S. K. GUHA,
Under Secretary to the Government of India.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATIONS.

No. L.D. 396—L.A. 56-50-6, dated Bangalore, 3rd June 1952.

In exercise of the powers conferred by Article 186 read with clause (8) of Article 238 of the Constitution of India, the Rajpramukh of Mysore is pleased to direct that the following amendment shall be made in Notification No. L.D. 1195—R.A. 47-49-4, dated the 28th February 1950, determining the salary and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly of Mysore :—

For clause (d) in para 1 of the said Notification, the following clause shall be substituted, namely—

"(d) A Government car with a Government chauffeur to be provided for his use, the car being kept and maintained in proper condition by Government at State expense".

JAYA CHAMARAJA WADIYAR,

MAHARAJA OF MYSORE.

By Order of His Highness the Maharaja

No. L.D. 415—L.A. 2-52-3, dated Bangalore, 5th June 1952.

The following Order made by the Rajpramukh of Mysore is published for general information :—

ORDER.

In exercise of the powers conferred by Article 195 read with clause (9) of Article 238 of the Constitution of India, His Highness the Rajpramukh of Mysore is pleased to determine that the Members of the Mysore Legislative

Council be paid salaries and allowances as noted hereunder:

(i) A salary of Rs. 100 per mensem.

(ii) Daily allowance for attending meetings at the rate of Rs. 15 per diem.

(iii) Travelling allowance for journeys by rail at the rate of twice the first class fare and for journeys by road at the rate of 8 annas per mile.

Members shall be entitled to daily allowance for the days of the sittings of the Council as well as on holidays that may intervene during the sittings. Members other than those having their ordinary residence at the places where the Council meets, shall also be entitled to daily allowance for a day prior to and a day after the close of the sittings of the Council, in addition to the travelling allowance.

JAYA CHAMARAJA WADIYAR,
MAHARAJA OF MYSORE.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

NOTIFICATION.

No. L. D. 450—L.A. 26-52-1, Bangalore, dated 10—11th June 1952.

In exercise of the powers conferred by Article 186 read with clause (8) of Article 238 of the Constitution of India, the Rajpramukh of Mysore is pleased to determine the salaries and allowances of the Chairman and Deputy Chairman of the Mysore Legislative Council as specified hereunder :

I. CHAIRMAN.

(1) (*a*) A pay of Rupees eight hundred per mensem ;

(*b*) A conveyance allowance of Rupees two hundred and fifty per mensem ;

(*c*) A house rent allowance of Rupees two hundred per mensem or a free furnished residence.

(2) (i) While touring on official business within the State, the Chairman shall be entitled—

(*a*) for journeys by train—to railway fare in respect of one first class compartment for himself, four third class fares for personal servants and charges for luggage not exceeding ten maunds :

Provided that the claim is supported by a certificate that the Chairman reserved a first class compartment for himself and travelled by train, with the number of servants and the weight of luggage specified in such certificate ; Provided further that if the Chairman travels by road instead of by railway train, the claim is supported by a certificate specifying the number of servants who travelled and the weight of luggage transported by train.

(*b*) for journeys by road—at eight annas per mile for the first 50 miles and at Re. 0-5-4 per mile for any distance beyond 50 miles travelled on one day ;

(*c*) to daily allowance at Rs. 10 per day for the days of journey by rail and for the days of halt at any place.

(ii) The Chairman may take his wife and other members of his family in the first class compartment by train without payment of any extra railway fares.

(iii) The allowances specified in sub-clause (i) shall be payable for attending the Convocation of the University of Mysore, Conferences and similar public functions.

(3) While touring on official business outside the State, the Chairman shall be entitled—

(*a*) for journeys by train—to railway fare in respect of one first class compartment of three berths or two first class fares, four third class fares for personal servants and charges for luggage not exceeding ten maunds:

Provided that the claim is supported by a certificate that the Chairman reserved a first class compartment or first class berth, as the case may be, and travelled by train with the number of servants and the weight of luggage specified in the certificate;

Provided further that if the Chairman travels by road instead of by train, the claim is supported by a certificate specifying the number of servants travelled and the weight of luggage transported by train;

(*b*) for journeys by air—to one and a half times the single daily allowance admissible in addition to actual plane fare paid for such journeys;

(*c*) to daily allowance at—

(i) two and a half times the daily allowance specified in item (*c*) of sub-clause (i) of clause (2) at Bombay, Delhi and Simla. (ii) one and a half times the daily allowance specified in item (*c*) of sub-clause (i) of clause (2) at other places.	For the days of journey by rail and for the days of halt at any place.

(4) In addition to the allowances specified in clause (2) the Chairman shall, until further orders, be entitled to $33\frac{1}{3}$ per cent of the road mileage and daily allowance payable under the said clause.

II. DEPUTY CHAIRMAN.

A pay of Rupees two hundred and fifty per mensem.

This notification shall be deemed to have come into force on the 14th day of May 1952.

JAYA CHAMARAJA WADIYAR,
Maharaja of Mysore.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATIONS.

No. L. 3011—C.M. 27-52-12, dated Bangalore, 3rd June 1952.

In exercise of the powers conferred by sub-section (2) of Section 1 of the Mysore City Municipalities (Amendment) Act, 1951 (Mysore Act No. XXXVI of 1951) and in continuation of Notification No. L. 10315—C.M. 27-51-9, dated 26th December 1951, His Highness the Maharaja of Mysore is pleased to direct that the other provisions of the said Act shall come into force in respect of Davangere City Municipality on the 1st day of July 1952.

By Order of His Highness the Maharaja,

ERRATUM.

No. T. 972—R.T. 4-52-22, dated Bangalore, 7th June 1952.

For "Sri H. M. Gangadhar" appearing in Notification No. T. 556—R.T. 4-52-12, dated the 8th May 1952, published in Part IV, Section 2(c) at page 188 of the *Mysore Gazette*, dated the 15th May 1952, *read* "Sri H. M. Gangadhariah".

By Order of His Highness the Maharaja,

A. S. KHALEEL,

Secretary to Government,

Local Self-Government Department.

No. L.S. 1180—L.W. 108-52-2, dated Bangalore, 7th June 1952.

The following draft amendment to the Welfare Officers (Recruitment and Conditions of Service) Rules, 1951, issued in Notification No. L.S. 3061—L.W. 22-51-10, dated 8th November 1951, which it is proposed to

make in exercise of the powers conferred by Sections 49, 50 and 112 of the Factories Act, 1948 (Central Act No. LXIII of 1948), is hereby published for the information of all persons likely to be affected thereby, as required by Section 115 of the Factories Act, 1948.

Notice is hereby given that the said draft will be taken into consideration on or after the 25th September 1952.

Objections or suggestions to the amendment sent to the Secretary to Government, Law Department, Old Public Offices, Bangalore, before the said date, will be considered by the State Government.

Draft Amendment.

In clause (iv) of Rule 7 of the said Rules, for the words "conciliation and arbitration" occurring at the end of the said clause, the words "Persuasive efforts" shall be substituted.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

No. A. F. 2032—C.S. 15-52-2, dated Bangalore, 6th June 1952.

In exercise of the powers conferred by Section 4 of the Mysore Co-operative Societies Act, 1948 (Mysore Act No. LII of 1948), His Highness the Maharaja of Mysore is pleased to confer on the Deputy Registrar of Co-operative Societies, Bangalore City Division, The Chief Auditor for Multi-purpose Co-operative Societies and the Assistant Registrars of Co-operative Societies of Divisions, specified hereunder, the powers of Registrar under sub-section (1) of Section 20 of the said Act, regarding auditing of the Accounts of registered societies, within their respective jurisdiction, namely :—

1. Assistant Registrar of Co-operative Societies, Bangalore Division.
2. Assistant Registrar of Co-operative Societies, Mandya Division.

3. Assistant Registrar of Co-operative Societies, Mysore Division.
4. Assistant Registrar of Co-operative Societies, Hassan Division.
5. Assistant Registrar of Co-operative Societies, Chikmagalur Division.
6. Assistant Registrar of Co-operative Societies, Shimoga Division.
7. Assistant Registrar of Co-operative Societies, Chitaldrug Division.
8. Assistant Registrar of Co-operative Societies, Tumkur Division.
9. Assistant Registrar of Co-operative Societies, Kolar Division.

By Order of His Highness the Maharaja,

M. S. SWAMINATHAN,

Secretary to Government,
Revenue Department.

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PART IV.

Section 1-C.

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 407—Legis. 6-52-13, Bangalore, dated 5th June 1952.

Ordered that Notification No. S.R.O. 901, dated the 20th May 1952 of the Ministry of Commerce and Industry under the Vegetable Oils and Oilcakes (Forward Contracts Prohibition) Order, 1944, published in the *Gazette of India*, Part II, Section 3, dated the 20th May 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 20th May, 1952.

S.R.O. 901.—In pursuance of clause 4 of the Vegetable Oils and Oil-cakes (Forward Contracts Prohibition) Order, 1944, the Central Government hereby directs that in respect of the forward contracts outstanding in any Part B State at the close of business on 22nd May 1952, for all oils mentioned in the first column of the Schedule thereto annexed, the rates will be the market rates applicable to the contracts at the close of the business on 22nd May 1952.

[No. 23 (7)-PC/51/IIA.]

C. R. NATESAN, Dy. Secy.

NOTIFICATION. S 86

No. L.D. 408—Legis. 6-52-14, Bangalore, dated 5th June 1952.

Ordered that Notification No. S.R.O. 902, dated the 20th May 1952 of the Ministry of Commerce and Industry under the Spices (Forward Contracts Prohibition) Order, 1944, published in the *Gazette of India*, Part II, Section 3, dated the 20th May 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 20th May, 1952.

S.R.O. 902.—In pursuance of clause 4 of the Spices (Forward Contracts Prohibition) Order, 1944, the Central Government hereby directs that in respect of the forward contracts outstanding in any Part B State at the close of business on 22nd May 1952, for all spices mentioned in the first column of the Schedule thereto annexed, the rates will be the market rates applicable to the contracts at the close of business on 22nd May 1952, in Part B States to which the said Order has been extended.

[No. 23 (7)-PC/51/IIIA.]

C. R. NATESAN, Dy. Secy.

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NOTIFICATION.

No L.D. 409—Legis. 6-52-12, Bangalore, dated 5th June 1952.

Ordered that Notification No. S.R.O. 900, dated the 20th May 1952 of the Ministry of Commerce and Industry under clause 4 of the Oilseeds (Forward Contracts Prohibition) Order, 1943, published in the *Gazette of India*, Part II, Section 3, dated the 20th May 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 20th May, 1952.

S.R.O. 900.—In pursuance of clause 4 of the Oilseeds (Forward Contracts Prohibition) Order, 1943, the Central Government hereby directs that in respect of any forward contracts outstanding in any Part B States at the close of business on 22nd May 1952, for classes of oilseeds mentioned in the first column of the Schedule thereto annexed, the rates will be the market rates applicable to the contracts at the close of the business on 22nd May, 1952.

[No. 23 (7)-PC/51/I.A.]

C. R. NATESAN, Dy. Secy.

NOTIFICATION. 588

No. L.D. 410—Legis. 5-52-23, Bangalore, dated 5th June 1952.

Ordered that Notification No. S.R.O. 896, dated 20th May 1952 of the Ministry of Commerce and Industry—The Cotton Seed (Forward Contracts Prohibition) Order, 1952 published in the *Gazette of India*, Part II, Section 3, dated the 20th May 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 20th May, 1952.

S.R.O. 896.—Whereas it appears to the Central Government to be expedient for maintaining supplies of cotton seed and for securing their availability at fair prices to prohibit certain transactions therein;

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946, (XXIV of 1946), the Central Government is pleased to make the following Order, namely:-

1. (1) This Order may be called the Cotton Seed (Forward Contracts Prohibition) Order, 1952.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on 22nd May 1952.

2. In this Order:—

(i) "contract" means a contract made or to be performed in whole or in part, in any State of India except the State of Jammu and Kashmir relating to the sale or purchase of cotton seed;

(ii) "Forward contract" means a contract for the delivery of cotton seed at some future date.

3. No person shall, after the 22nd May 1952 enter into any forward contract except the following contracts, namely:—

(i) Forward contracts of specific qualities or types and for specific delivery at a specified price, delivery orders, railway receipts

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or bills of lading against which contracts are not transferable to third parties;

(ii) Contracts for the delivery at some future date of cotton seeds to Government or any authorised officer of Government; and

(iii) Contracts which the Central Government may, by notification in the official Gazette, exclude from the provisions of this Order.

4. (1) Every forward contract outstanding at the close of business on the date specified in clause 3 shall be deemed to be closed out at the market rate applicable to the contract at the close of business on the said date for cotton seed.

(2) All differences arising out of any contract so deemed to be closed out shall be payable on the basis of the market rate as aforesaid and the seller shall not be bound to give delivery and the buyer shall not be bound to take delivery.

(3) Payment of all differences legally due from a member of an association to another member of such association in respect of any forward contract closed out under this clause shall be made to the clearing house of the association and for the purposes of calculating such differences, the market rate referred to in sub-clause (2) shall be deemed to be the settlement rate fixed by the associations under its bye-laws or other regulations which shall for the relevant purpose continue to have effect subject to the provisions of this order.

5. This supersedes the Cotton Seed (Forward Contracts Prohibition) Order, 1949, issued by the late Ministry of Commerce in Notification No. 58-TPC (1)/49, dated the 4th November 1949.

[No. 23 (13)-PC/51.]

C. R. NATESAN, Dy. Secy.

NOTIFICATION. 590

No. L.D. 411—Legis. 5-52-24, Bangalore, dated 5th June 1952.

Ordered that Notification No. S.R.O. 897, dated 20th May 1952 of the Ministry of Commerce and Industry—The Oilseeds (Forward Contracts Prohibition) Order, 1952 published in the *Gazette of India*, Part II, Section 3, dated the 20th May 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 20th May, 1952.

S.R.O. 897.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendments shall be made in the Oilseeds (Forward Contracts Prohibition) Order, 1943, namely:

In the said Order—

1. In sub-clause (2) of clause 1, for the words 'British India' the word "India" shall be substituted.

2. In clause 2:—

(a) in sub-clause (i) for the words 'British India' the word "India" shall be substituted,

(b) after sub-clause (i), the following sub-clause shall be inserted, namely—

(iA) 'India' does not include the State of Jammu and Kashmir,

(c) for sub-clause (iv) the following sub-clause shall be substituted, namely:—

"(iv) 'specified date' in relation to any oilseeds means.—

(a) in the case of a Part B State 22nd May 1952;

(b) in the case of any other State the date specified against those oilseeds in the second column of the Schedule to this Order."

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3. After clause 5, the following clause shall be inserted, namely :—

"6. If immediately before 22nd May 1952 there is in force in any Part B State any law which corresponds to this Order, such corresponding Order shall stand repealed :

Provided that notwithstanding such repeal anything done or any action taken in exercise of any power conferred by or under the said law shall be deemed to have been done or taken in exercise of the powers conferred by or under this Order as if this Order was in force on the day on which such thing was done or action was taken".

[No. 23 (7)-PC/51/I.]

C. R. NATESAN, Dy. Secy.

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NOTIFICATION.

No. L.D. 412—Legis. 5-52-25, Bangalore, dated 5th June 1952.

Ordered that Notification No. S.R.O. 898, dated the 20th May 1952 of the Ministry of Commerce and Industry amending the Vegetable Oils and Oilcakes (Forward Contracts Prohibition) Order, 1944 published in the *Gazette of India*, Part II, Section 3, dated the 20th May 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 20th May, 1952.

S.R.O. 898.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendments shall be made in the Vegetable Oils and Oilcakes (Forward Contracts Prohibition) Order, 1944, namely:

In the said Order—

1. In sub-clause (2) of clause 1, for the words 'British India' the word 'India' shall be substituted.

2. In clause 2:—

(a) in sub-clause (ii) for the words 'British India' the word "India" shall be substituted;

(b) after sub-clause (iii) the following sub-clause shall be inserted, namely:—

(iiiA) 'India does not include the State of Jammu and Kashmir'.

(c) for sub-clause (iv) the following sub-clause shall be substituted, namely:—

"(iv) 'specified date' in relation to any article to which this order applies means:—

(a) in the case of a Part B State 22nd May 1952.

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(b) in the case of any other state the dates specified against those articles in the second column of the Schedule to this Order."

3. After clause 5, the following clause shall be inserted, namely :—

"6. If immediately before 22nd May 1952 there is in force in any Part B State any law which corresponds to this Order, such corresponding law shall stand repealed :

Provided that notwithstanding such repeal anything done or any action taken in exercise of any power conferred by or under the said law shall be deemed to have been done or taken in exercise of the powers conferred by or under this Order as if this Order was in force on the day on which such thing was done or action was taken."

[No. 23 (7)-PC/51/II.]

C. R. NATESAN, Dy. Secy.

NOTIFICATION. 594

No. L.D. 413—Legis. 5-52-26, Bangalore, dated 5th June 1952.

Ordered that Notification No. S.R.O. 899, dated the 20th May 1952 of the Ministry of Commerce and Industry amending the Spices (Forward Contracts Prohibition) Order, 1944, published in the *Gazette of India*, Part II, Section 3, dated the 20th May 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 20th May, 1952.

S.R.O. 899.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946, (XXIV of 1946), the Central Government hereby directs that the following amendments shall be made in the Spices (Forward Contracts Prohibition) Order, 1944, namely:

In the said Order—

1. In sub-clause (2) of clause 1, for the words 'British India' the word 'India' shall be substituted.

2. In clause 2:—

(a) In sub-clause (ii) for the words "British India" the words 'India' shall be substituted,

(b) after clause (iii), the following clause shall be inserted, namely:—

(iiiA) India does not include the State of Jammu and Kashmir.

(c) for sub-clause (iv) the following sub-clause shall be substituted, namely:—

"(iv) 'Specified date' in relation to any article to which this Order applies means:—

(a) in the case of a Part B State 22nd May 1952.

(b) in the case of any other State the dates specified against those articles in the second column of the Schedule to this Order."

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3. After clause 5, the following clause shall be inserted, namely:—

"6. If immediately before the 22nd May 1952 there is in force in any Part B State any law which corresponds to this Order, such corresponding law shall stand repealed:

Provided that notwithstanding such repeal anything done or any action taken in exercise of any power conferred by or under the said law shall be deemed to have been done or taken in exercise of the powers conferred by or under this Order as if this Order was in force on the day on which such thing was done or action was taken."

[No. 23 (7)-PC/III.]

C. R. NATESAN, Dy. Secy.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

NOTIFICATION. 596

No. L.D. 462—Legis. 5-52-27, dated Bangalore, 13th June 1952.

Ordered that Notification No. S.R.O. 694, dated the 14th April 1952 of the Ministry of Health amending the Drugs Rules, 1945, published in the *Gazette of India*, Part II, Section 3, dated the 19th April 1952 be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF HEALTH.

NOTIFICATION.

New Delhi, the 14th April 1952.

S.R.O. 694.—In exercise of the powers conferred by section 12 of the Drugs Act, 1940 (XXIII of 1940), the Central Government hereby direct that the following further amendments shall be made in the Drugs Rules, 1945, the same having been previously published as required by the said section, namely—

After rule 30 of the said Rules, the following rule shall be inserted, namely:—

"30-A. (1) No new drug shall be imported except under and in accordance with the permission in writing of the licensing authority.

(2) The importer of a new drug when applying for permission shall produce before the licensing authority all documentary and other evidence relating to its standards of quality, purity and strength and such other information as may be required by the licensing authority including the results of therapeutic trials carried out with it.

Explanation.—For the purpose of this rule, 'new drug' means a drug which is not, for the time being, recognised by the Permanent Commission on Biological Standards of the World Health Organisation or in the latest edition of the British Pharmacopoeia or the British Pharmaceutical Codex or any other Pharmacopoeia recognised in this behalf by the Government of India and includes a patent or proprietary medicine containing such a drug."

[No. F. 1-30/48-D.]

S. DEVANATH, *Under Secy.*

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NOTIFICATION.

No. L.D. 463—Legis. 5-52-28, dated Bangalore, 13th June 1952.

Ordered that Notification No. S.R.O. 702, dated the 10th April 1952 of the Ministry of Labour amending the Industrial Disputes (Central) Rules, 1947, published in the *Gazette of India*, Part II, Section 3, dated the 19th April 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

NOTIFICATION.

New Delhi, the 10th April 1952.

S.R.O. 702.—In exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby directs that the following further amendments shall be made in the Industrial Disputes (Central) Rules, 1947, the same having been previously published as required by sub-section (1) of the said section, namely—

Amendments.

In the said Rules—

1. In rule 2, after clause (f), the following clause shall be inserted, namely :—

"(g) With reference to clause (g) of section 2 of the Act, it is hereby prescribed that, in relation to an industry carried on by or under the authority of a Department of the Central Government, the officer in charge of the industrial establishment shall be the 'employer' in respect of that establishment."

2. To rule 36 the following further proviso shall be added, namely :—

"Provided that where a registered Trade Union neglects or fails to furnish the information called for under rule 35, within one month of the date of the notice requiring it to furnish such information the members of such Union shall for the purpose of this rule be treated as non-members."

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3. In rule 43, after sub-rule (4) the following sub-rule shall be added, namely—

"(5) Every workman entitled to vote at an electoral constituency shall have as many votes as there are seats to be filled in the constituency ".

4. In rule 45—

(*a*) for sub-rule (1) the following sub-rule shall be substituted, namely :—

"(1) The Committee shall have among its office bearers a Chairman, a Vice-Chairman, a Secretary and a Joint Secretary, such office bearers shall be elected every year".

(*b*) for sub-rule (4), the following sub-rule shall be substituted, namely :—

"(4) The Committee shall elect the Secretary aud the Joint Secretary provided that where the Secretary is elected from among the representatives of the employers, the Joint Secretary shall be elected from among the representatives of the workmen and *vice versa* :

Provided further that the post of the Secretary or the Joint Secretary, as the case may be, shall not be held by a representative of the employer or the workmen, for two consecutive years".

[No. L.R. 1 (70).]

S. NEELAKANTAM, *Dy. Secy.*

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NOTIFICATION.

No. L.D. 464—Legis. 6-52-15, dated Bangalore, 13th June 1952.

Ordered that Notification No. S.R.O. 674, dated the 19th April 1952 of the Ministry of Home Affairs extending the powers and jurisdiction of members of Delhi Special Police Establishment to Mysore, in respect of offences specified in their Notification No. 38/3/48-S.P.E., dated the 3rd June 1948, published in the *Gazette of India*, Part II, Section 3, dated the 19th April 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF HOME AFFAIRS.

NOTIFICATION.

New Delhi, the 19th April 1952.

S.R.O. 674.—In exercise of the powers conferred by section 5 of the Delhi Special Police Establishment Act, 1946 (Act XXV of 1946), the Central Government hereby extends the Powers and jurisdiction of members of the Delhi Special Police Establishment to the States of Hyderabad, Mysore, Travancore-Cochin, Madhya Bharat, Rajasthan, Saurashtra, Patiala and East Punjab States Union for the investigation of offences specified in the notification of the Government of India in the Ministry of Home Affairs No. 38/3/48-S.P.E., dated the 3rd June 1948.

[No. 24/1/51-Police, II.]

U. K. GHOSHAL, *Dy. Secy.*

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATIONS.

No. L.S. 1278-L.W. 114-52-2, Bangalore, dated 12th June 1952.

In exercise of the powers conferred by sub-section (1) of Section 19 of the Minimum Wages Act, 1948 (Central Act No. XI of 1948), His Highness the Maharaja of Mysore is pleased to appoint the officers mentioned in column I of the Table annexed hereto to be the Inspectors for the purposes of the said Act and to direct that each Inspector shall exercise the powers conferred and imposed on Inspectors by or under the said Act in respect of the areas specified against the corresponding entries in column II of the said Table.

TABLE

Sl. No.	*I*	*II*
1.	Inspector of Factories and Boilers, Bangalore Division.	Bangalore Division, comprising of Bangalore District (including City and Civil Area), Kolar Gold Fields, Kolar and Tumkur Districts with Head-quarters at Bangalore.
2.	Inspector of Factories and Boilers, Mysore Division.	Mysore Division, comprising of Mysore, Mandya and Hassan Districts with Head-quarters at Mysore.
3.	Inspector of Factories and Boilers, Shimoga Division.	Shimoga Division, comprising of Shimoga, Chitaldrug and Chikmagalur Districts with Head-quarters at Shimoga.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

No. R. 2680—L.S. 12-52-2, dated Bangalore, the 10th June 1952.

In exercise of the powers conferred by sub-section 3 of Section 1 of the Mysore Tenancy Act (Act XIII of 1952), His Highness the Maharaja of Mysore is pleased to direct that the proivisions of Sections 2 to 48 of the said Act shall come into force with effect from the 1st day of August 1952 in the following Taluks of the Districts specified against them, *viz.*,

	Taluk		*District*
1.	Bangarpet	...	... Kolar
2.	Mulbagal	...	... Kolar
3.	Molakalmuru	...	... Chitaldrug
4.	Thirthahalli	...	... Shimoga
5.	Sagar	...	... Shimoga
6.	Hosanagar	...	... Shimoga
7.	Koppa	...	... Chikmagalur
8.	Srirangapatna	...	... Mandya
9.	Madhugiri	...	... Tumkur

By Order of His Highness the Maharaja,

M. S. SWAMINATHAN,

Secretary to Government,
Revenue Department.

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(EXTRAORDINARY) 602

BANGALORE, TUESDAY, JUNE 17, 1952.

NOTIFICATION.

No. E.B. 2990—Eln. 34-52-1, dated Bangalore, the 17th June 1952.

Ordered that the accompanying Notification No. S.R.O. 808, dated the 6th May, 1952, of the Ministry of Law, Government of India, making amendments to the Representation of the People (Preparation of Electoral Rolls) Rules, 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 6th May 1952.

S.R.O. 808. In exercise of the powers conferred by Section 28 of the Representation of the People Act, 1950 (XLIII of 1950), the Central Government, after consulting the Election Commission, hereby makes the following further amendments in the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, namely :—

In rule 2 of the said rules :—

(1) for clause (b), the following clause shall be substituted, namely :—

"(b) 'Chief Electoral Officer', in relation to a State, means the officer appointed by the State Government with the concurrence of the Election Commission to be the Chief Electoral Officer for that State ;"

(2) after clause (e), the following clause shall be added, namely :—

"(f) 'State Government', in relation to a Part C State, means the Lieutenant-Governor or Chief Commissioner thereof."

[No. F. 26 (5)/52-C.]

S. N. MUKERJEE, Joint Secy.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section I-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES

NOTIFICATION.

No. L.D. 528—Legis. 5-52-29, dated Bangalore, 14th June 1952.

Ordered that Notification No. S.R.O. 820, dated the 1st May 1952 of the Ministry of Finance amending the Rehabilitation Finance Administration Rules, 1948, published in the *Gazette of India*, Part II, Section 3, dated the 10th May 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE.

New Delhi, the 1st May 1952.

S.R.O. 820.—In exercise of the powers conferred by section 23 of the Rehabilitation Finance Administration Act, (XII of 1948), the Central Government hereby makes the following amendment in the Rehabilitation Finance Administration Rules, 1948, namely:—

In rule 1 of the said Rules, after sub-rule (1), the following sub-rule shall be inserted, namely:—

"(1A) They extend to the whole of India except the State of Jammu and Kashmir."

[No. F. 7 (171)-F. 1/50.]

F. C. DHAUN, Under Secy.

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GOVERNMENT OF MYSORE

Legislative Department.

NOTIFICATION.

No. L.D. 529—Legis. 5-52-30, dated Bangalore, 14th June 1952.

Ordered that Notification No. S.R.O. No. 625, dated the 31st March 1952 of the Ministry of Communications amending the Indian Aircraft Rules, 1937, published in the *Gazette of India*, Part II, Section 3, dated the 5th April 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

New Delhi, the 31st March 1952.

S.R.O. 625.—In exercise of the powers conferred by section 5 of the Indian Aircraft Act, 1934 (XXII of 1934), the Central Government is pleased to make the following further amendments to the Indian Aircraft Rules, 1937, a draft of the amendments having been published previously as required by section 14 of the said Act and the objections and suggestions received having been duly considered by the Central Government :—

In the said Rules,

I. In sub-rule (1) of rule 3, after the definition of the expression "course", the following definition shall be inserted, namely :—

"'dangerous goods' means any goods, whether explosives or not, which by reason of their nature are likely to endanger the safety of aircraft or persons or things on board the aircraft".

II. For rule 8, the following rule shall be substituted, namely :—

"8. *Carriage of arms, explosives or dangerous goods*—

(1) Save as otherwise provided in this rule, no person shall carry or cause or permit to be carried, in any aircraft to, from, within or over India any munitions of war, implements of war, explosives, articles of a highly inflammable nature, arms, ammunition, military stores, oxidising material, corrosive substance, compressed gas, tear gas, radio-active materials, poisonous substance or other dangerous goods.

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(2) Notwithstanding anything contained in sub-rule (1), the following clauses of goods may, subject to the provisions of sub-rules (3) and (4), be carried in any aircraft, namely :—

(a) such explosives or other articles as are required on board for the purpose of the operation, navigation or safety of the aircraft;

(b) subject to the provisions of the Indian Arms Act, 1878, and the rules made thereunder such arms and ammunition as may reasonably be required for the private use of any person, either as personal luggage or as freight; and

(c) any other goods the carriage of which by air is authorised in writing by the Central Government.

(3) Where the carriage of any goods is permitted by or under sub-rule (2) it shall be the duty of the pilot, of the consignor and of every person concerned with the booking, handling or carriage of such goods to ensure—

(a) that the goods are so packed, protected and secured as to avoid the possibility of their being a source of danger to the aircraft or to persons or things carried therein;

(b) that the goods are carried in a receptacle not accessible to the passengers on the aircraft; and

(c) that the nature of the goods is plainly and conspicuously marked on the outside of the package containing them.

(4) The consignor of any goods which are, or appear to be, of the kind specified in sub-rule (2) shall give the air carrier a written notice specifying the nature, weight and quantity of the goods and the name and full address of the consignor, and the carrier shall inform the pilot or person in charge of the aircraft of all such particulars before the goods are placed on board the aircraft.

(5) Where any officer authorised in this behalf by the Central Government has reason to believe that the provisions of this rule are, or are about to be, contravened he may cause the goods in question to be removed from the aircraft and placed under his custody pending detailed examination of the nature of the goods or pending a decision regarding the action, if any, to be taken in the matter".

[No. 10-A/8-50.]

P. K. SAMAL, Under Secy.

NOTIFICATION. 606

No. L.D. 530—Legis. 5-52-31, dated Bangalore, 14th June 1952.

Ordered that the Notification No. S.R.O. 621, dated 27th March 1952 of the Ministry of Communications amending the Indian Telegraph Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 5th April 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

(Posts and Telegraphs.)

New Delhi, the 27th March 1952.

S.R.O. 621.—In exercise of the Powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government hereby directs that the following amendments shall be made in the Indian Telegraph Rules, 1951, namely:—

In the said rules—

1. For sub-rules (1) and (4) of rule 430 the following sub-rules shall be substituted, namely:—

"(1) The following shall be the scale of charges for connections to a Departmental Manual or Automatic Exchange except as specially provided by the Director-General.

Exchanges	Radial distance from Exchange	Rates	
		If paid monthly	If paid annually
		Rs. a.	Rs.
I. All Exchanges other than those specified in items II and V below.	Not more than one mile.	27 0	252
	More than one mile but not more than two miles.	28 8	270
	More than two miles but not more than three miles.	30 0	288

Exchanges	Radial distance from Exchange	Rates: If paid monthly	Rates: If paid annually
II.			
Agra Ajmer Ambala Cantonment Asansol Banaras Bareilly Baroda Calicut Chheharta (Amritsar) Cochin Coimbatore Cooch-Behar Coonoor Cuttack Darjeeling Dehra Dun Delhi [Avenue, Lothian (Manual) old Secretariat, Shahjahan Road). Dhanbad Dinapore Ernakulam Gulzarbagh Hyderabad		Jabalpore Jharia Jullundur Loyabad Lucknow Madura Mangalore Mattanchari Meerut Ootacamund Patna (including Patna Secretariat). Rajkot Ranchi Secunderabad Shillong Sinidhi Surat Tiruchirapalli Trimulgherry Trivandrum Vijayawada Visakhapatnam Willingdon Island	
		Rs. a.	Rs.
III. All Exchanges other than those specified in item V below.	Not more than three miles.	30 0	288
	More than three but not more than three and a half miles.	34 8	324
	More than three and a half miles but not more than four miles.	39 0	360
	More than four miles	Special rates shall ordinarily be charged as provided in rule 438: Provided that, if existing wires or cable conductors can be utilized with only inexpensive changes the following rates shall be payable:— The charges for four miles plus Rs. 6, if paid monthly and Rs. 54, if paid annually, for each half mile or part thereof.	

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Extensions		Rates	
		If paid monthly	If paid annually
		Rs. a.	Rs.
IV. Exchanges which are not connected to the general telephone trunk system and such other exchanges as specially provided by the Director-General.	Not more than half a mile.	25 8	234
V. Bombay	Not more than four miles.	Rs. 12 per month and call fees at the rate of 10 calls to the rupee.	
	More than four miles	The charges for four miles plus Rs. 3/12 per month for each additional half mile or part thereof.	
Calcutta	Not more than four miles.	Rs. 15 per month and call fees at the rate of 8 calls to the rupee for subscribers making more than 90 calls in the month and Rs. 12 per month and call fees at the rate of 8 calls to the rupee for subscribers making not more than 90 calls in the month.	
	More than four miles	The charges for four miles plus Rs. 3/12 per month for each additional half mile or part thereof.	
All other message rate exchanges.	Not more than four miles.	Rs. 10 per month plus call fees at the rate of 12 calls to a rupee.	
	More than four miles	The charges for four miles plus Rs. 2/8 per month for each additional half mile or part thereof.	

Provided that for connections of more than four miles the above rates shall apply only if existing wires or cable conductors can be utilised with inexpensive changes. Ordinarily special rates shall be charged as provided in rule 438."

"(4) For 10 yards or less of extra length of flexible wire in fitting desk telephone sets supplied to subscribers, the charge shall be Rs. 2-4 monthly and Rs. 18 annually."

2. For sub-rule (1) of rule 432 the following sub-rule shall be substituted, namely :—

"(1) The charges for extensions to telephone connections from a departmental exchange, switches, plugs and sockets, extra bells and additional wiring shall be as follows :—

Extensions	Rates		
	If paid monthly		If paid annually
	Rs.	a.	Rs.
(1) (*a*) Telephone extension with switch without inter-communication facilities (including 110 yards of internal loop wiring).	6	0	54
(*b*) Telephone extension with switch with inter-communication facilities (including 110 yards of internal loop wiring).	9	12	90
(*c*) An extra bell (with 55 yards of internal loop wiring).	2	4	18
(*d*) A plug and two sockets (with 55 yards of internal loop wiring).	2	4	18
(*e*) Every additional 55 yards or fraction thereof (of internal loop wiring).	2	4	18
(*f*) Every half mile of external loop wire or fraction thereof upto two miles.	4	8	36
(*g*) Every half mile of external loop wiring or fraction thereof after the first two miles.	6	0	54
Provided that for lines more than three miles special rates shall ordinarily be charged as provided in rule 438 unless existing wires or conductors can be utilized with only inexpensive changes.			
(*h*) A short length of external loop for the purpose of bells, etc., within the same compound upto one quarter of a mile.	2	4	18
(*i*) A complete telephone (including internal loop wiring of 110 yards).	6	0	54 "

3. For clauses (a), (b), (c) and (e) of rule 434 the following clauses (a), (b) (c) and (e) shall be substituted, namely :—

" (a) *Private Automatic Exchanges.*

For an internal connection. Rs. 162 per annum.

For an external connection up to two miles. Rs. 234 per annum.

Provided that in the case of internal connections, loop-wiring in excess of 110 yards will be charged at Rs. 18 per annum for every additional 55 yards or fraction thereof."

" (b) *Private Manual Exchanges.*

For an internal connection. Rs. 108 per annum.

For an external connection up to 2 miles. Rs. 180 per annum.

Provided that in the case of internal connections, loop-wiring in excess of 110 yards will be charged at Rs. 18 per annum for every additional 55 yards or fraction thereof ".

" (c) The charge for an external connection to a private exchange exceeding two miles in length shall be the same as for an external connection shown above plus the following additional charge :—

Every additional half mile or fraction thereof. Rs. 54 per annum.

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Provided that the rental for the portion of the line in excess of three miles shall ordinarily be charged at special rates as provided in rule 438."

"(e) The charge for a junction line between two Private Exchanges shall be the sum of the charges for an external connection in each exchange plus Rs. 72 per annum up to two miles in length and Rs. 54 per annum for each additional half mile or fraction thereof of actual length by the shortest practicable route."

4. For clauses (a), (b) and (c) of rule 435 the following clauses shall be substituted, namely :—

"(a) *Private Branch Automatic Exchanges.*

(i) For an internal connection.—At an exchange where the message rate system is in force Rs. 120 per annum or Rs. 13-8-0 per mensem and at any other exchange Rs. 162 per annum.

Provided that loop-wiring exceeding 110 yards in length shall be charged at the rate of Rs, 18 per annum for every additional 55 yards or fraction thereof.

(ii) For an external connection up to two miles if specially sanctioned.—Rs. 234 per annum."

"(b) *Private Branch Manual Exchanges.*

(i) For an internal connection.—At an exchange where the message rate system is in force Rs. 81 per annum or Rs. 9 per mensem, and at any other exchange Rs. 108 per annum.

Provided that loop-wiring exceeding 110 yards in length shall be charged at the rate of Rs. 18 per annum for every additional 55 yards or fraction thereof.

(ii) For an external connection if specially sanctioned.—Rs. 180 per annum."

"(c) The charge for an external connection to a private branch exchange exceeding two miles in length shall be the same as for an external connection shown above plus the following additional charge :—

Every additional half mile or fraction thereof.—Rs. 54 per annum.

Provided that the rental for the portion of the line in excess of three miles shall ordinarily be charged for at special rates as provided in rule 438."

5. Rule 437 shall be omitted.

6. For rule 438, the following rule shall be substituted, namely :—

"438-*Special rates.*—Except as otherwise provided in these rules the rates for departmental exchange connections exceeding four miles in length and other connections exceeding three miles in length, or those which entail special constructional difficulties or more than ordinary expenditure shall be such as the Director-General or any officer authorized by him in this behalf may direct."

7. For sub-rule (1) of rule 439, the following sub-rule shall be substituted, namely :—

"(1) The charges payable for the use of a trunk line for each single period between any two exchanges belonging to the Indian Posts and Telegraphs Department shall be fixed on the radial distance basis as follows and calculated to the nearest anna :—

For the first 100 miles.—4·8 annas for each 12½ miles or part thereof.

For the next 250 miles after the first 100 miles.—3·2 annas for each 12½ miles or part thereof.

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For the next 150 miles after the first 350 miles.—4 annas for each 25 miles or part thereof.

For each 50 miles or part thereof after the first 500 miles.—6 annas.

Provided that the charge for a trunk call of unit duration excluding incidental charges such as those for particular person and fixed time calls shall not exceed Rs. 12.

Provided also that the Director-General may prescribe a charge for the use of the line between any two exchanges the radial distance between which does not exceed 20 miles, at a rate lower than the rate prescribed above.

Provided further that the facilities provided in rules 421 and 423 shall not be available in such cases."

8. For rule 451, the following rule shall be substituted, namely :—

"451 *Deposit accounts and guarantees*—

(1) Subscribers, other than those who have connections rented by Government, may be called upon by such officer as may be authorized in this behalf by the Director-General to make a deposit of Rs. 100 against trunk service and Rs. 20 against message rate charges when they first make use of the telephone service. Thereafter they may at any time be called upon by such officer to vary the amounts of the deposits in such manner as is, in the opinion of such officer, expedient, having regard to the extent of their previous use of the trunk and message rate services :

Provided that in the case of subscribers, other than those who have connections rented by Government and who may be paying rental on an annual basis, the initial deposit against trunk service may be reduced to Rs. 10.

(2) If any subscriber fails to make or vary a deposit, when so called upon, telephone service shall be withheld from him:

Provided that if any subscribers has paid the deposit for message rate charges but not for trunk service, only trunk service shall be withheld from him :

Provided further that subscribers may in lieu of making a deposit, furnish a letter of guarantee in the form set out in rule 68 from a Bank approved by the Director-General in this behalf as security for an amount not less than Rs. 500 :

Provided also that the officer, authorized as aforesaid, may require the amount of the guarantee to be increased to such amount as he may, having regard to the extent of their previous use of the telephone service, consider expedient."

[No. R. 3-71—51]

NOTIFICATION. 612

No. L.D. 531—Legis 5-52-32, dated Bangalore, 14th June 1952.

Ordered that Notification No. S.R.O. 612, dated the 31st March 1952 of the Ministry of Natural Resources and Scientific Research amending the Mineral Concession Rules, 1949, published in the *Gazette of India*, Part II, Section 3, dated the 5th April 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH.

New Delhi, the 31st March 1952.

S.R.O. 612.—In exercise of the powers conferred by section 5 of the Mines and Minerals (Regulation and Development) Act, 1948 (LIII of 1948), the Central Government hereby directs that the following amendment shall be made in the Mineral Concession Rules, 1949, namely:—

In Schedule IV annexed to the said Rules after the words 'Vanadium ores' the words 'Tungsten ores' shall be inserted.

[No. M.II-159(15).]
T. GONSALVES, *Dy. Secy.*

NOTIFICATION.

No. L.D. 532—Legis. 5-52-33, Bangalore, dated 11th June 1952.

Ordered that Notification No. 608, dated the 28th March 1952 of the Ministry of Health amending the Drugs Rules, 1945, published in the *Gazette of India*, Part II, Section 3, dated the 5th April 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA. 613

MINISTRY OF HEALTH.

New Delhi, the 28th March 1952.

S.R.O. 608.—In exercise of the powers conferred by sections 12 and 33 of the Drugs Act, 1940 (XXIII of 1940), the Central Government hereby directs that the following further amendment shall be made in the Drugs Rules, 1945, the same having been previously published as required by the said sections, namely :—

For sub-rule (2) of rule 1 of the said Rules, the following sub-rule shall be substituted, namely:—

"(2) Parts I to IV extend to the whole of India except the State of Jammu and Kashmir. The remaining Parts extend to Part C States only."

[No. F.3-2/51-DS.]

J. N. SAKSENA, *Under Secy.*

NOTIFICATION.

No L.D. 533—Legis. 5-52-34, dated Bangalore, 14th June 1952.

Ordered that Notification No. S.R.O. 598, dated 27th March, 1952 of the Ministry of Fiance amending the Indian Companies Rules, 1941, published in the *Gazette of India*, Part II, Section 3, dated the 5th April 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE

(Department of Economic Affairs)

COMPANY LAW

New Delhi, the 27th March 1952.

S.R.O. 598.—in exercise of the powers conferred by section 151 of the Indian Companies Act, 1913 (VII of 1913), the Central Government hereby directs that the following amendments shall be made in the Indian Companies Rules, 1941, namely :—

In the said Rules—

1. except as otherwise provided:—

(i) for the words 'British India' wherever they occur, the word 'India' shall be substituted; and

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(ii) for the word 'Province' wherever it occurs, the word 'State' shall be substituted ;

2. for sub-rule (2) of rule 1, the following sub-rule shall be substituted namely:—

"1. (2) They extend to the whole of the India expect the State of Jammu and Kashmir."

3. for rule 6, the following rule shall be substituted, namely:—

"6. *Certification of documents under section 277 of the Act.*—A copy of a document required to be certified under sub-section (1) of section 277 of the Act shall—

(i) in the case of a company incorporated in a country outside the Commonwealth, be duly certified as a true copy—

(a) by an official of the Government to whose custody the original is committed, the signature or seal of such official being authenticated by a diplomatic or consular officer empowered in this behalf under section 3 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (XLI of 1948), or where there is no such officer, by any of the British Officers mentioned in section 6 of the Commissioners of Oaths Act, 1889 (52 and 53 Vic., c. 10), or in any Act amending the same, or

(b) by a Notary of such country, the certificate of the Notary being authenticated by the Diplomatic or Consular Officer, or if there is no such officer, by any of the British Officials as aforesaid, or

(c) by some officer of the company before a person having authority to administer an oath as provided by section 3 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (XLI of 1948), or as the case may be, by section 3 of the aforesaid British Act, the status of the person administering the oath in the latter case being authenticated by any of the British officials as aforesaid ; and

(ii) in the case of a company incorporated in any part of the Commonwealth (excluding India), be duly certified as a true copy—

(a) by an official of the Government to whose custody the original is committed ; or

(b) by a Notary Public of such place ; or

(c) on oath by an officer of the Company before a person having authority to administer an oath in such place."

4. In rule 7—

(a) for the words 'His Majesty's dominions' the words 'the Commonwealth' shall be substituted,

(b) in the proviso to clause (i), after the words 'authenticated by' the words 'a diplomatic or consular officer empowered in this behalf under section 3 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (XLI of 1948), or where there is no such Officer' shall be inserted.

K. G. AMBEGAOKAR, Secy.

NOTIFICATION. 615

No. L.D. 534—Legis. 5-52-16, dated Bangalore, the 14th June 1952.

Ordered that Notification No. S.R.O. 609, dated the 27th March 1952 of the Ministry of Rehabilitation under the Displaced Persons (Debts Adjustment) Act, 1951, specifying certain Banks to be Displaced Banks within the meaning of the said Act, published in the *Gazette of India*, Part II, Section 3, dated the 5th April 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION.

New Delhi, the 27th March 1952.

S.R.O. 609.—In pursuance of the provisions of clause (7) of section 2 of the Displaced Persons (Debts Adjustment) Act, 1951 (LXX of 1951), the Central Government hereby declares the following banking companies being banking companies which before the 15th day of August, 1947, carried on the business of banking, whether wholly or partially, in any area now forming part of West Pakistan, to be displaced banks within the meaning of the said Act, namely :—

1. The Chawla Bank Ltd.
2. The Colony Bank Ltd.
3. The Commercial Bank Ltd.
4. The First National Bank Ltd.
5. The Frontier Bank Ltd.
6. The Lakshmi Commercial Bank Ltd.
7. The National Bank of Sialkot Ltd.
8. The New Bank of India Ltd.
9. The Oriental Bank of Commerce Ltd.
10. The Prabhat Bank Ltd.
11. The Punjab and Kashmir Bank Ltd.
12. The Sahukara Bank Ltd.
13. The Simla Banking and Industrial Co., Ltd.
14. The Traders' Bank Ltd.

[No. 68(18)/51-Prop.]

D. R. KOHLI, *Dy. Secy.*

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LABOUR DEPARTMENT.

No. L. S. 1862—L.W. 142-51-4, dated 18th June 1952.

Labour Disputes—Dispute between Workers and Management of Tobacco Manufacturers of (India) Ltd., Bangalore—Award of the Industrial Tribunal, Bangalore—published.

Read the following papers :—

(1) Reference dated the 9th June 1952, from the Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

Monday, the 9th day of June 1952.

Present.

Sri T. Singaravelu Mudaliar, B.A., B.L. ... *Chairman*

Janab Mahamood Sheriff, B.A., LL.B. ... *Member*

Sri S. Rangaramiah, B.A., LL.B. ... *Member*

P. Ranganathan, No. 21, Watchman, Tobacco Manufacturers, (India) Ltd., Bangalore. *Complainant*

(Represented by Sri V. L. Narasimhamurthy, Advocate for the Tobacco Manufacturers Employees' Association, Bangalore).

Versus.

The Management of Tobacco Manufacturers (India) Ltd., Bangalore. *Respondents*

(By Mr. Alexander and E. S. Venkataramanan, Advocate.)

Complaint Number I-b of 51-52.

AWARD.

This is a complaint under Section 33-A of the Industrial Disputes Act, 1947.

Under Government Notification No. L.S. 2320—L.W. 142-51-2, dated 11th September 1951, the Government of Mysore referred to this Tribunal, the industrial disputes between the management of the Tobacco Manufacturers (India) Ltd., Bangalore and the workers employed by them.

On 16th October 1951, the Tobacco Manufacturers Employees Association filed one complaint with regard to three of the employees, *viz., D. Anthony (14), Gaviappa (37) and P. Ranganathan (21).* The Management field a joint objection statement with regard to the allegations in the joint petition. The Advocate for the Labour Association was directed to file a separate petition with regard to each individual employee. Accordingly, separate complaints were filed.

On the same day, *i. e.*, 16th October 1951, the Employers Company filed petitions under Section 33 of the Industrial Disputes Act, 1947, praying for permission to dismiss the same three workmen from 24th September 1951 since they were found in wrongful possession of cigarettes belonging to the Company, an

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offence under Factory Standing Order 21 (2)-*d*. In these petitions, it was alleged that they were filed without prejudice to their contention that the watchmen being members of the Watch and Ward staff were not workmen within the meaning of Section 2(s) of the Industrial Disputes Act, 1947.

The Complaint No. I-B relating to P. Ranganathan (No. 21) is that during the pendency of proceedings before the Tribunal, he was serving as a watchman in the Factory for over three years and was dismissed from service on 24th September 1951 under the following circumstances :—

The Complainant was doing duty on the evening of 21st September 1951 and when he went near his quarters for taking meals, he found his quarters being searched and was informed that some cigarettes were found in his box; that the box was not kept locked; that the quarters was always kept open and was not in the exclusive possession of the complainant and that the complainant was not responsible for the cigarettes being there.

It is alleged that the action of the Company is illegal and unjust. The Complainant therefore prays that the order of dismissal be set aside and his reinstatement ordered with emoluments up-to-date.

The Respondent Company has stated in the objection statement that the facts leading to the dismissal of the watchmen are mentioned in the petitions filed by the Management under Section 33 of the Act.

The petition under Section 33 filed by the Company with regard to Ranganathan (numbered as Serial No. 8) is :

That thirty loose Players Navicut Medium cigarettes and 48 mixed brands loose cigarettes in all 78 cigarettes were found in his quarters at room No. 16 in the coures of a search conducted by gate Seargent F. J. Burby in the presence of Havildar Arokyaswami and P. Ranganathan on 21st September 1951 at 19-45 hours ; that he could not give satisfactory explanation of the presence of those cigarettes in his box ; that an enquiry was held in accordance with the standing order and that the workman was found guilty of an offence under standing order 21(2)d under which theft of company's property is defined as misconduct. The punishment for misconduct is dismissal under standing order 22(b).

Since the matters involved in both the complaint and the petition are the same they were heard together.

The record of the proceedings relating to the enquiry of the offence committed by Ranganathan was produced before us by the Management. It is marked as Exhibit I. A record is made therein that on 21st September 1951, 78 loose cigarettes were found in room No. 16 occupied by Ranganathan in his box in the presence of Havildar Arokyaswami and the watchman Ranganathan. Sergeants Burby and Taylor were those who found these cigarettes. The report is signed by Ranganathan who was asked to attend the factory on 22nd September 1951 at 9 A.M. The investigation report shows that on 22nd September 1951, the factory Manager ordered investigation. On that day Sergeant Burby who made the charge was examined by the Labour Liaison Officer Mr. Siddappa. He says that having given information to the Management on 21st September 1951 that the gate sergeant should conduct a surprise search on watchman's quarters, he proceeded along with Taylor and Batson to the watchman's quarters at 7-30 P.M. on 21st September 1951. Havildar Arokyaswami was asked to call out all watchmen from their respective quarters to fall in. He then says that Mr. Taylor and he along with Havildar Arokyaswami went into room No. 16 occupied by watchman Ranganathan and during the course of the search in the presence of watchman Ranganathan, he recovered 78 cigarettes from watchman Ranganathan's steel box which was locked and unlocked for the purpose of search by watchman Ranganathan himself.

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Havildar Arokraswami was the next witness who was examined. He says that after he asked the watchmen to fall in, Mr. Burby, Mr. Taylor and himself entered room No. 16 occupied by watchman Ranganathan and searched his room. In the course of search Mr. Burby recovered 78 loose cigarettes from the steel box of watchman Ranganathan which the latter opened at the instruction of Mr. Burby.

Ranganathan's statement was also recorded. He stated that on 21st September 1951 his duty was between 4-30 P.M. to midnight near the G. Department exit; and that at 7-30 P.M., he was relieved by another watchman to enable him to take his food in his quarters. When he went his quarters he says that he saw seargents Burby and Taylor conducting the search of the quarters occupied by the watchmen. He admits that Gate Sergeant Mr. Burby asked him to open the steel trunk which was unlocked and that he exposed the box to him. He also says that Mr. Taylor searched his person also. He further says that he does not know anything further of the alleged recovery of cigarettes either from his steel box or from his boots.

The record shows that the report of the enquiry was sent the to Factory Manager and on 24th September 1951, the decision of the Factory Manager is recorded as "dismissed with effect from 24th September 1951."

Complainant Ranganathan was examined before the Tribunal. In his evidence he has admitted the search, but he says that the door of the quarters was not locked; that the quarters was being occupied by three persons and in the quarters are kept boxes belonging to each of these persons for keeping his uniform. He further says that he was not given an opportunity to consult the officers of the Labour Association; that at the enquiry held by the Labour Officer, he was not given an opportunity to examine them and that the Labour Officer did not ask him whether he had any witnesses. To a question put by Mr. Alexander on behalf of the management whether he could give any reason why seargent Burby and Havildar Arokyaswami would give any false evidence against him, he answered that Sergeant Taylor takes bribes for appointing new watchmen and that if he was removed he would have chance of appointing another and get bribes and that was the reason why those people deposed against him. When he was asked if he mentioned to the Labour Officer at the time of the enquiry that he did not keep any cigarettes in the box, his answer was that Mr. Siddappa did not question him and he did not say anything. In his evidence he says that he was not given an opportunity to make a statement or to cross-examine Arokyaswami and Burby. He further says that the Labour Officer did not ask him whether he had any witnesses.

Mr. V. L. Narasimhamurthy, Advocate, for the complainant has argued that the rules of natural justice were not adopted in this enquiry inasmuchas he was not given an opportunity to cross-examine witnesses examined and that the Labour Offieer did not ask him if he had any defence witnesses and he relies upon the decision of the Bombay High Court reported in A.I.R. 1952—Bombay—page 37—where their Lordships have held that "a domestic Tribunal must act honestly and with good faith and must give a delinquent a chance of explanation and defence. If its rules postulate an enquiry the delinquent must have a reasonable opportunity of being heard and of correcting and contradicting a relevant statement prejudicial to his view. The expression 'rules of natural justice' has been the subject of consideration in many cases and it has been held that so long as a domestic tribunal acts honestly in good faith, with a sense of responsibility and in consonance with its own rules, its decision cannot be questioned on ground of breach of rules of natural justice for the reason that in that case the rules of natural justice will be deemed to have been observed."

According to this ruling, the delinquent in this case should not have been refused the opportunity to cross-examine the witnesses and to produce any defence

witnesses if he wanted to do so. There is nothing in the proceedings of the enquiry which goes to show that he wanted to cross-examine the witnesses and to produce his defence witnesses and that these opportunities were denied to him. There is nothing to show that the domestic Tribunal in this case did not act honestly, in good faith, with a sense of responsibility or in consonance with its own rules. Therefore it cannot be said that the rules of natural justice were violated.

The suggestion made by Ranganathan that Mr. Burby might have falsely incriminated him cannot be believed since he did not make any such suggestion before the Labour Officer who took down his statement. Moreover under Standing Order 23, he could have made a complaint against such unfair labour practice and there is nothing to show that he had done it.

In the decision of the Labour Appellate Tribunal—reported in Madras Labour Law Journal—September 1951—page 314 at page 318—their Lordships have held "the result therefore is that the decision of the Management in relation to the charges against the employee will not prevail if :

(*a*) there is want of *bona fides*, or

(*b*) it is a case of victimisation or unfair labour practice or violation of the principles of natural justice, or

(*c*) there is a basic error on facts, or

(*d*) there has been a perverse finding on the materials. If after scrutiny on the aforesaid lines, it is found by the Tribunal that it ought not to interfere with the findings of the management that the charge has been proved, the Tribunal might next consider whether it should interfere with the punishment, The Management with the knowledge and experience of the problems which confronted in the day-to-day work of the concern, ordinarily ought to have a right to decide what the appropriate punishment should be but its decision is liable to be revised if the Tribunal is of opinion that the punishment is so unjust, that remedy is called for in the interest of justice. It must however be remembered that it is essential that the matter should not be reviewed altogether subjectively from the point of view of the employer or employee but also objectively in the interest of industry for bringing about a harmony in the relationship between the two."

Now applying these principles to the present case there is no want of *bona fides*, neither is it a case of victimisation, unfair labour practice nor violation of principles of natural justice. There is no basic error on facts. The question then left open is whether there has been a perverse finding on materials. The point for consideration on this question is whether the cigarettes were found in the box used by Ranganathan. The evidence of Burby and Arokyaswami is that Ranganathan himself opened the lock of the box in which the cigarettes were found. The statement of Ranganathan is that it was unlocked. Before us he says that the box was not locked. When he stated before the Labour Officer that the box was "unlocked" it would mean that the box had been locked and that it was unlocked. Even if it means that it had not been locked there was nothing to induce the manager not to believe the evidence of Burby and Arokyaswamy and come to the conclusion that the cigarettes were found in the box which had been locked and unlocked by Ranganathan.

There are no reasons therefore to say that there has been a perverse findings of facts on the materials. With regard to the punishment also there is nothing to interfere with the order of dismissal. The order of dismissal is therefore upheld.

The Management have put in an alternative plea in their application under Section 33 of the Industrial Disputes Act, stating that watch and ward were not

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workmen within the meaning of Section 2 (s) which defines a workman. Mr. Narasimhamurthy however referred to a decision reported in Madras Labour Law Journal—February 1952—page 264—where the West Bengal Tribunal—held that Durwans who are also watch and ward are workmen within the meaning of Section 2 (s) of the Industrial Disputes Act. Mr. Alexander however contends that this decision is under appeal and need not be binding. It is unnecessary to discuss this question since the permission is sought for under Section 33 on the assumption that watch and ward are workmen within the meaning of the Industrial Disputes Act.

We shall next consider the case of Anthony. His case is that he was doing duty at post No. 6 on 21st September 1951 in the evening; that somebody threw a stone at him; that he then went to post No. 10 to seek his help, but he found that he had gone to quarters for food; that when he went in search of him, he found his room being searched when some cigarettes were found on the top of the cupboard; that the cupboard was locked and was not opened; that he was not in exclusive possession of the quarters; the door of which is never closed; that the complainant was not responsible for the cigarettes being there; and that he was dismissed on 24th September 1951 which order is illegal and unjust. He prays that the order of dismissal be set aside and he be reinstated.

In the first joint application filed by the Labour Association, it was stated that watchman Anthony was not on good terms with the sergeant. In that application it was also urged that on 21st September 1951, the sergeant himself was found carrying tins of cigarettes by the Excise Department.

The Management in their objection statement have referred to their petition under Section 33 for the facts leading to the dismissal of Anthony and deny the allegation that Anthony was not on good terms with the sergeant and that the Sergeant was found carrying tins of cigarettes by the Excise Department.

In the petition under Section 33 filed by the Management, it is alleged that 73 Players Medium Navicut cigarettes, two coils of rope each nine feet long, the property of the Company were found in the wall cup-board of Anthony in his quarters at room No. 4 in the course of a search conducted by Gate Sergeant Taylor in the presence of Havildar Arokyaswami and Anthony, that the rope was found under his steel box and that since Anthony could not give satisfactory explanation, he was found guilty of the offence under factory Standing Order 21 (2)d. The Company therefore prays for permission to dismiss Anthony from 24th September 1951.

In the record of proceedings, Exhibit I, on 21st September 1951, it is seen that Anthony was informed of the charge against him and was asked to appear at the enquiry on 22nd September 1951. On the investigation report, the Factory Manager ordered investigation. On 22nd September 1951, Gate Sergeant Taylor was examined. He stated that while making a search on 21st September 1951 at about 7-30 P.M., the quarters occupied by Anthony in the presence of Batson and Arokaswami, he recovered 73 Players Medium Navicut lose cigarettes in a cigar box which was in his wall-cupboard and two coils of rope—9 feet each piece under his steel box. Havildar Arokyaswami also made the statement, that he witnessed the search and recovery of the articles mentioned above, from the quarters of the watchman D. Anthony at about 7-40 P.M. on 21st September 1951. He also says that the cigarettes were in a cigar box in Anthony's cup-board. Anthony also made a statement admitting the recovery of the articles, but has stated that he does not know how these things came to be found in his room. On this report made by the Investigating Officer, the Factory Manager made the order " Dismiss with effect from 24th September 1951 ".

Anthony was examined before the Tribunal. He says in his evidence that a room was given to him and watchman Nambiar; that Sergeant Taylor and Burby were searching his room on 21st September 1951; that he was taken inside the room when they found cigarettes on the shelf; *i.e.*, on the top of the shelf; that the cigarettes were not found inside the cup-board: that the cup-board was locked; that the room was never locked and is accessible to others He also says that he found coils of rope under the cot. He also says that at the enquiry held on the next morning he was not given an opportunity to seek the help of the Labour Association to file the statement, to cross-examine the witnesses or to examine his own witnesses. He says that he did not keep the cigarettes in his room. He further alleges that he did not make any statement before the Labour Officer, but he admits that a record was made and that he was asked to sign it, which he did. In cross-examination, he admitted his signature Exhibit I-a—which is affixed to his statement. Anthony does not say anything with regard to the ill-will against the Gate Sergeant.

The records of proceedings in this case and the evidence of Anthony go to show that the room in which Anthony had his box was not in his exclusive possession and that it was occupied by watchman Nambiar also. It is also evident that the door of the room is open and the room is accessible to others also. The cigarettes were found—according to Mr. Taylor—in a cigar box which was in the wall cupboard. Anthony says in his evidence that the cigarettes were found on the top of the cup-board and not inside the cupboard which he says was locked. There is nothing in the evidence of both Taylor and Arokyaswami to show that the cupboard was got opened as was done in the case of Ranganathan. Under such circumstances, it is difficult to say that the cigarettes were found inside the cupboard. If the cigarettes were found outside the cupboard in a room which is not in the sole occupation of Anthony but which is accessible to both watchman Nambiar and also others, it is difficult to conclude that it was Anthony who placed those cigarettes on the cup-board. Moreover, a watchman who had stolen the cigarettes of the Company could not have kept the cigarettes so openly in a room on the cupboard in the room which was accessible to others so as to be detected easily. The same remarks apply to the coils of rope also. It is not improbable that others might have placed those articles as found during the search and it is difficult to fix the guilt on Anthony as being the thief of those articles.

The Factory Manager who has passed the order of dismissal does not seem to have considered these aspects of the case before he concluded that Anthony was the thief. The possible inferences of the findings of these articles in Anthony's room are either Anthony has kept them there or some others might have kept them there. Since the Factory Manager has not considered these aspects before concluding that Anthony was the thief, we do not accept the finding which, in our opinion, is perverse according to the ruling of the Labour Appellate Tribunal quoted above.

The order of dismissal of Anthony cannot stand. He will be reinstated with effect from 24th September 1951 till he applies for rejoining his service.

With regard to Gaviappa, his complaint is that he was dismissed on 22nd September 1951 from service on the alleged ground that some cigarettes were found in a box and a coat in watchman's quarters. He states that he was not present at the time of the search; that the box was kept unlocked; that the coat was hanging on a peg; that on the 20th of September 1951 after finishing his work, he went to his house having availed himself of leave on the next day, and that when he returned to duty, he was informed of his dismissal. He further alleges that the quarters

searched was not in his exclusive possession but that others have access to it. The door of the premises, he says, is always kept open.

In the application under Section 33 filed by the Management, it is stated that one packet of capstan cigarettes was found in his great coat pocket and 21 lose mixed brand cigarettes were found in his box during a search conducted by Gate Sergeant Burby in the presence of Havildar Arokyaswami on 21st September 1951 at 21-20 hours. Since no satisfactory explanation was given, he was found guilty of the offence under Factory Standing Order 21(s)-d. Permission is therefore sought to dismiss him from 24th September 1951.

In the record of proceedings, Exhibit I it is recorded that one packet capstan cigarettes were found in his great coat pocket and 21 mixed lose cigarettes, in his box. This is on page one of the record and this purports to contain the signature of Gaviappa for his undertaking to appear at the investigation to be held on 22nd September 1951 at 9 a.m. This document is dated 21st September 1951. Page 2 contains the investigation report ordered by the Manager.

The first witness examined during the enquiry was Burby, the Gate Sergeant. He stated that during the surprise search on watchmen's quarters on the evening of 21st September 1951, he, along with Batson searched the quarters occupied by watchman Gaviappa at about 9-20 P.M., that Gaviappa was not present during the search as he was off-duty, that he recovered one packet of capstan navicut cigarettes from his great coat and 21 mixed brands cigarettes from his steel box which was unlocked. Arokyaswami, the Havildar corroborates Burby. He also says that watchman Gaviapya was not present during the search as he was off-duty. Gaviappa made a statement that he was not present at the search and that he knew nothing about the recovery of cigarettes from his steel box. He says that he went off-duty on 20th September 1951 and 21st September 1951 was his weekly holiday and that he returned to the quarters at 6 A.M. on 22nd September 1951 to resume duty; that when he went to his quarters he found his belongings rummaged and on enquiry his room-mate Vithoba told him that Gate-Sergeants had made a surprise search on all the quarters of the watchmen the previous night. In his evidence before the Tribunal, he has stated that the room was allotted to watchman Uthigudi and himself; that the room was never locked and was accessible to anybody; that he was supplied with a great coat by the factory which was hung on the hook attached to the wall; that the coat was not taken home; that a steel trunk is supplied and trunks are not locked; and that in the steel trunk was kept the uniforms supplied to him by the Company. He further says that on 22nd September 1951 the Labour Officer sent for him and told him that cigarettes were found in his great-coat; that he told Mr. Siddappa, the Labour Officer that he had left his duty on 20th September 1951 at 4-30 P.M. and having availed the weekly holiday on 21st September 1951, he returned to duty on 22nd September 1951. In the record of proceedings Exhibit, I, the Factory Manager ordered " Dismiss with effect from 24th September 1951 ".

In this case, the case against Gaviappa is not at all satisfactorily established. The door of the room in which he had kept his steel trunk and his great coat was open, and the room was accessible to his room-mate Uthigudi and also to others. The steel trunk in which he kept his uniform must be taken to have been open and Burby also says it was unlocked; the great coat was hanging on a hook and any body could have inserted cigarettes in its pocket; Gaviappa was also not present at the time of the search. Under such circumstances, it is very difficult to believe that it was Gaviappa who kept the cigarettes in the great-coat and in the steel box. He was absent from duty from 20th September 1951 till the morning of 22nd September 1951 and he was on holiday on 21st September 1951. If Gaviappa

had stolen the cigarettes for his use, he would not have left them behind in his quarters but would have taken them for use during his holiday. Moreover, he would not have been so foolish as to leave them in such an open way as to be easily caught.

From the records of the proceedings, it is not clear whether the Factory Manager considered these aspects of the case before he came to the conclusion that Gaviappa was guilty of theft. We are therefore of opinion that the finding of the Factory Manager is not correct. The finding is perverse and we set it aside. He will be reinstated with effect from 24th September 1951 till he applies or rejoining service.

We wish to point out that on page 1 of the record of proceedings Exhibit I, there is a signature purporting to be that of Gaviappa. The entries on this page were made on 21st September 1951. Gaviappa says that he was off-duty on 21si September 1951. Witness Arokyaswami has admitted that Gaviappa was not present during the search for he was off-duty. If Gaviappa was on leave on 21st September 1951, it is difficult to understand how he could have affixed his signature on 21st September 1951 undertaking to appear on 22nd September 1951 at the investigation. This is a matter for the Management to investigate.

T. SINGARAVELU MUDALIAR,
Chairman.

MOHAMOOD SHERIFF,
Member.

S. RANGARAMIAH,
Member.

NOTIFICATION.

No. L.S. 1362—L.W. 142-51-4, Bangalore, dated 18th June 1952.

WHEREAS under Section 33-A of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), a complaint was made by P. Ranganathan, No. 21, Watchman and two others to the Industrial Tribunal, Bangalore, against the Management of Tobacco Manufacturers of (India) Ltd., Bangalore;

And whereas the award of the said Tribunal in respect of the said complaint has been received;

NOW THEREFORE, in exercise of the powers conferred by Section 17 of thes aid Act, His Highness the Maharaja of Mysore hereby directs that the said award, as above, be published in the *Mysore Gazette.*

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

No. L.D. 607—L.A. 2-52-4, dated Bangalore 20th June 1952.

The following Order made by the Rajpramukh of Mysore is published for general information:

Order

In exercise of the powers conferred by Article 195 read with clause (9) of Article 238 of the Constitution of India, His Highness the Rajpramukh of Mysore is pleased to direct that the following amendment shall be made in Notification No. L.D. 415—L.A. 2-53-3, dated the 5th June 1952, determining the salaries and allowances of Members of the Mysore Legislative Council, namely:—

For the second paragraph of the said notification the following paragraphs shall be substituted and shall always be deemed to have been substituted namely:—

"In all other respects, the provisions of the Mysore Payment of Salaries and Allowances to Members of the Legislative Assembly Act, 1951, (Mysore Act II of 1951) and the Mysore Legislative Assembly (Members' Salaries and Allowances) Rules, 1951, for the time being in force, shall apply *mutatis mutandis* to the payment of salaries and allowances to the Members of the Mysore Legislative Council.

This order shall be deemed to have come into force on the 14th day of May 1952."

JAYA CHAMARAJA WADIYAR,
MAHARAJA OF MYSORE.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATION.

No. C. 311—Co. 22-52-4, dated Bangalore, 21st June 1952.

In pursuance of clause 5 of the Cement Rationing and Licensing Order, 1948, and in supersession of Notification No. C. 364—Co. 9-51-4, dated the 1st June 1951, His Highness the Maharaja is pleased to fix with immediate effect the prices of all brands of cement (except Shankar Brand Cement manufactured by Messrs. India Cement Limited, Talayiuthu) as noted below and to direct that notice of the price fixation shall be given by publication of the same in the Official Gazette and by issue of a Press Note.—

1. For deliveries to stations in the Mysore State on the Broad-gauge up to and inclusive of Bangalore City and to all Stations on the narrow gauge between Bangalore City and Bangarpet and for deliveries to the Civil Station, Bangalore. 2. For deliveries to stations elsewhere in the Mysore State.	Rs. 71 per ton loose in full waggon loads F.O.R. any Railway Station *plus* actual cost of packing subject to a maximum of Rs. 26 per ton, if supplies are made in new gunny bags or if supplies are made in paper bags or old gunny bags such cost not exceeding Rs. 26 per ton as may be mutually agreed upon by the producer and consumer.

3. Retail prices shall not exceed the maximum f.o r. any Railway Station prices by more than the amount it would be permissible for the seller to charge under the normal practice authorised heretofore by the Cement Marketing Company of India on such an f.o.r. price. In charging such a price, the seller shall take into consideration the expenditure of item such as cost of unloading of waggon, cartage from Station to godown, stocking in godown, Godown rents, wastage and profit margin of the seller;

4. Provided that waggon load as well as retail prices mentioned above shall be for supplies ex-nearest works. In the case of sale of waggon loads as well as retail sale, the sellers may in addition to such prices, charge extra.

for proportionate freight difference, if supplies were actually made from a more distant works.

5. Provided further that all such supplies into Mysore State from works other than the nearest works shall be made by the Cement Marketing Company of India, on the specific authorisation of the Controller of Civil Supplies in Mysore;

6. Provided also that in case of all sales (waggon loads or small) the seller shall be entitled to charge in addition to the aforesaid waggon loads and retail prices extra for general or special increase in freight after the date of this order for octroi, towns duty, terminal tax, sales-tax or any other charge, levy or imposition payable, by the sellers.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Chief Secretary to Government.

NOTIFICATION.

No. Fl. 2974—S.T. 25-52-1, dated Bangalore, 18th June 1952.

In exercise of the powers conferred by Section 6 of the Mysore Sales-Tax Act, 1948 (Mysore Act No. XLVI of 1948), His Highness the Maharaja of Mysore is pleased to exempt the sale of Bread from the levy of Sales-Tax throughout the State of Mysore.

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,
Finance Department.

NOTIFICATION.

No. Fl. 2976—S.T. 25-52-2, dated Bangalore, 18th June 1952.

In exercise of the powers conferred by Section 6 of the Mysore Sales-Tax Act, 1948 (Mysore Act No. XLVI of 1948), His Highness the Maharaja of Mysore is pleased to direct that every dealer in betel leaves shall pay tax under sub-section (1) of Section 3 of the said Act for each

year, with effect from 1st April 1952, at the reduced rates specified below, throughout the State of Mysore:—

		Rs.
If his turnover is not less than Rs. 10,000 but does not exceed Rs. 20,000	...	24 per annum
If his turnover exceeds Rs. 20,000 but does not exceed Rs. 40,000	...	48 per annum
If his turnover exceeds Rs. 40,000 but does not exceed Rs. 80,000	...	96 per annum
and for every turnover of Rs. 80,000 or a part thereof in excess of Rs. 80,000	...	96 per annum

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,
Finance Department.

NOTIFICATION.

No. Fl. 2982—S.T. 25 52-3, dated Bangalore, 18th June 1952.

In exercise of the powers conferred by Section 6 of the Mysore Sales-Tax Act, 1948 (Mysore Act No. XLVI of 1948), His Highness the Maharaja of Mysore is pleased to cancel the concession granted to sales of Gold thread and Gold tissue in Notification No. Fl. 4867—S.T. 3-49, dated 30th December 1949.

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,
Finance Department.

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PART IV

Section—1-A.

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. L. D. 604—Legis. 3-52-1, dated Bangalore, 20th June 1952.

Ordered that the following Bills which were introduced in the House of People on the 15th May 1952, namely, (1) the Essential Goods (Declaration and Regulation of Tax on Sale or Purchase) Bill, 1952, (2) the Saurashtra (Abolition of Local Sea Customs Duties and Imposition of) Port Development Levy Repealing Bill, 1952, (3) the Code of Civil Procedure (Amendment) Bill, 1952, (4) the Maintenance Orders Enforcement (Amendment) Bill, 1952, and (5) the Notaries Bill, 1952, published in the *Gazette of India*, Part II, Section 2, dated the 24th May 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

HOUSE OF THE PEOPLE.

The following Bills were introduced in the House of the People on 16th May 1952 :—

BILL No. 29 OF 1952.

A Bill to declare, in pursuance of clause (3) of article 286 of the Constitution, certain goods to be essential for the life of the community.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Essential Goods (Declaration and Regulation of Tax on Sale or Purchase) Act, 1952.

2. Declaration of certain goods to be essential for the life of the community.—The goods specified in the Schedule are hereby declared to be essential for the life of the community.

3. Regulation of tax on sale or purchase of essential goods.—No law made after the commencement of this Act by the legislature of a State imposing, or authorising the imposition of, a tax on the sale or purchase of any goods declared by this Act to be essential for the life of the community shall have effect unless it has been reserved for the consideration of the President and has received his assent.

THE SCHEDULE

(*See* section 2)

Goods declared essential for the life of the community

1. Cereals and pulses in all forms, including bread and flour, including atta, maida, suji and bran (except when any such article is sold in sealed containers).

2. Green or dried vegetables and flower seeds, bulbs and plants and fresh and dried fruits, other than medical preparations (except when any such article is sold in sealed containers).

3. Fresh milk, whole or separate, and milk products.

4. Salt.

5. Coarse and medium handloom and mill-made cotton cloth and handloom woollen cloth.

6. Fertilizers and agricultural machinery and implements.

7. Raw cotton, including ginned and un-ginned cotton or kapas or cotton thread, cotton seed, raw jute and sugar-cane.

8. Coal including coke and other derivatives, petroleum and petroleum products including motor spirit and electrical energy, except energy intended for domestic use.

9. Iron and steel.

STATEMENT OF OBJECTS AND REASONS.

Article 286(3) of the Constitution provides that—

> "No law made by the Legislature of a State imposing, or authorising the imposition of, a tax on the sale or purchase of any such goods as have been declared by Parliament by law to be essential for the life of the community shall have effect unless it has been reserved for the consideration of the President and has received his assent."

A list of goods essential for the life of the community for the purpose of the above-mentioned provisions has accordingly been drawn up and the Bill provides that the imposition, after the enactment of the Bill, of a sales or purchase tax on these goods should be reserved for the consideration of the President. The Bill, if enacted, may help to achieve a certain measure of uniformity in the taxes, and also prevent essential goods, being unduly taxed,

The Bill was introduced in the Provisional Parliament on the 7th June, 1952, but could not be passed owing to want of time.

C. D. DESHMUKH.

NEW DELHI;

The 13th May, 1952.

BILL No. 30 OF 1952

A Bill to repeal the Saurashtra (Abolition of Local Sea Customs Duties and Imposition of) Port Development Levy Ordinance, 1949.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Saurashtra (Abolition of Local Sea Customs Duties and Imposition of) Port Development Levy Repealing Act, 1952.

2. Repeal of Saurashtra Ordinance LXXXIII of 1949.—The Saurashtra (Abolition of Local Sea Customs Duties and Imposition of) Port Development Levy Ordinance, 1949, is hereby repealed :

Provided that section 6 of the General Clauses Act, 1897 (X of 1897), shall apply in relation to such repeal as if the said Ordinance had been an enactment.

3. Repeal of Ordinance IV of 1952.—The Saurashtra (Abolition of Local Sea Customs Duties and Imposition of) Port Development Levy Repealing Ordinance, 1952 (IV of 1952), is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The Government of Saurashtra, with the concurrence of the Government of India, promulgated on the 25th September 1949, an Ordinance called the Saurashtra (Abolition of Local Sea Customs Duties and Imposition of) Port Development Levy Ordinance, 1949. The object of the Ordinance was to abolish all local sea customs duties which the State used to levy on trade not only with the rest of India but also on trade between the covenanting States *inter se*. It also provided for the imposition of a levy called the port development levy at the rate of 3/4th per cent *ad valorem* on all goods exported or imported from specified ports in Saurashtra to or from ports in the rest of India. It was the intention of the Saurashtra Government to abolish this levy as soon as it was found possible to rationalise the port charges to cover necessary expenditure incurred in connection with the ports. The Saurashtra Government had intimated that they proposed to abolish the port development levy with effect from the 1st April 1952. To achieve this object, the Saurashtra (Abolition of Local Sea Customs Duties and Imposition of) Port Development Levy Repealing Ordinance, 1952 (IV of 1952), was promulgated on the 2nd April 1952. The present Bill merely seeks to replace that Ordinance by an Act of Parliament.

K. N. KATJU.

NEW DELHI;

The 14th May 1952.

BILL NO. 31 OF 1952.

A Bill further to amend the Code of Civil Procedure, 1908.

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Code of Civil Procedure (Amendment) Act, 1952.

2. Amendment of section 44A, Act V of 1908.—In *Explanation 2 to* section 44A of the Code of Civil Procedure, 1908, for the words "any country, or territory, situated in any part of His Majesty's Dominions" the words "any country or territory outside India, other than the United Kingdom," shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

Under section 44A of the Code of Civil Procedure, 1908, decrees of the superior courts of the United Kingdom or of any reciprocating territory are executable in India; but by virtue of *Explanation* 2 to that section, the expression "reciprocating territory" is restricted to mean any country or territory situated in any part of His Majesty's dominions, which the Central Government may notify to be a reciprocating territory. It is, therefore, not possible to extend this facility to any foreign country outside the Commonwealth even if that country is prepared to make arrangements for the execution within its territories of decrees passed by courts in India. It is desirable that the Central Government should have power to declare by notification any foreign country, whether within or outside the Commonwealth, as a reciprocating territory for purposes of execution of decrees. Hence the present Bill.

C. C. BISWAS.

NEW DELHI;

The 14th May 1952.

BILL NO. 32 OF 1952.

A Bill further to amend the Maintenance Orders Enforcement Act, 1921.

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Maintenance Orders Enforcement (Amendment) Act, 1952.

2. Amendment of long title and preamble, Act XVIII o 1921.—In the long title of, and the preamble to, the Maintenance Orders Enforcement Act, 1921 (hereinafter referred to as the principal Act), for the words "His Majesty's Dominions and Protectorates," the words "reciprocating territories," shall be substituted.

3. Amendment of section 2, Act XVIII of 1921.—In section 2 of the principal Act,—

(*a*) in the definition of 'dependants' for the words 'the part of His Majesty's Dominions' the words 'the reciprocating territory' shall the substituted;

(*b*) for the definition of 'reciprocating territory' the following definition shall be substituted, namely:—

"'reciprocating territory' means any country or territory outside India in respect of which this Act for the time being applies by virtue of a declaration under section 3."

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4. Substitution of new section for section 3, Act XVIII of 1921.—For section 3 of the principal Act, the following section shall be substituted, namely :—

"3. *Declaration of reciprocal arrangements.*—If the Central Government is satisfied that legal provision exists in any country or territory outside India for the enforcement within that country or territory of maintenance orders made by courts in India, the Central Government may, by notification in the Official Gazette, declare that this Act applies in respect of that country or territory and thereupon it shall apply accordingly."

STATEMENT OF OBJECTS AND REASONS.

The Maintenance Orders Enforcement Act, 1921, facilitates the enforcement in India of maintenance orders made in "His Majesty's Dominions and Protectorates" and *vice versa*, but it has no application to maintenance orders made in countries outside the Commonwealth. It is desirable that where a foreign country is prepared to make arrangements for the enforcement within its territory of maintenance orders passed by courts in India, there should be legal provision enabling the Government of India to extend the facility to that country on a reciprocal basis. The object of the present Bill is to make necessary amendments in the Maintenance Orders Enforcement Act, 1921, so as to facilitate the enforcement in India on a reciprocal basis of maintenance decrees or orders passed by courts in foreign countries.

C. C. BISWAS.

NEW DELHI,

The 14th May, 1952.

BILL No. 33 OF 1952.

A Bill to regulate the profession of notaries.

BE it enacted by Parliament as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Notaries Act, 1952.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "India" means the territories to which this Act extends;

(*b*) "instrument" includes every document by which any right or liability is, or purports to be, created, transferred, limited, extended, extinguished or recorded;

(*c*) "legal practitioner" means an advocate, vakil or attorney of the Supreme Court or of any High Court, or a pleader practising in any subordinate civil court;

(*d*) "notary" means a person appointed as such under this Act;

Provided that for a period of one year from the commencement of this Act it shall include also a person who, before such commencement, was appointed a notary public either under the Negotiable Instruments Act, 1881 (XXVI of 1881), or by

the Master of Faculties in England, and is, immediately before such commencement, in practice in any part of India;

(*e*) "prescribed" means prescribed by rules made under this Act;

(*f*) "Register" means a Register of Notaries maintained by the Government under Section 4;

(*g*) "State Government", in relation to a Part C State, means the Lieutenant Governor, or, as the case may be, the Chief Commissioner.

3. Power to appoint notaries.—The Central Government, for the whole or any part of India, and any State Government, for the whole or any part of the State, may, on such conditions, if any, as it thinks fit, appoint as notaries any legal practitioners or other persons who, in its opinion, are duly qualified to discharge the functions of notaries under this Act.

4. Registers.—(1) The Central Government and every State Government shall maintain, in such form as may be prescribed, a Register of the notaries appointed by that Government and entitled to practise as such under this Act.

(2) Every such Register shall include the following particulars about every notary whose name is entered therein, namely:—

(*a*) his full name, date of birth, residential and professional address.

(*b*) the date on which his name is entered in the Register;

(*c*) his qualifications; and

(*d*) any other particulars which may be prescribed.

5. Entry of names in the Register and issue or renewal of certificates of practice.—(1) Every notary who intends to practise as such shall, on application to the Government appointing him and payment of the prescribed fee, if any, be entitled—

(*a*) to have his name entered in the Register maintained by that Government under Section 4, and

(*b*) to a certificate authorising him to practise for a period of three years from the date on which the certificate is issued to him.

(2) Every such notary who wishes to continue to practise after the expiry of the period for which his certificate of practice has been issued under this section shall, on application made to the Government appointing him and payment of the prescribed fee, if any, be entitled to have his certificate of practice renewed for three years at a time.

6. Annual publication of lists of notaries.—The Central Government and every State Government shall, during the month of January each year, publish in the Official Gazette a list of notaries appointed by that Government and in practice at the beginning of that year together with such details pertaining to them as may be prescribed.

7. Seal of notaries.—Every notary shall have and use, as occasion may arise, a seal of such form and design as may be prescribed.

8. Functions of notaries.—(2) A notary may do all or any of the following acts by virtue of his office, namely:—

(*a*) verify, authenticate, certify or attest the execution of any instrument;

(*b*) present any promissory note, hundi or bill of exchange for acceptance or payment;

(*c*) note or protest the dishonour by non-acceptance or non-payment of any promissory note, hundi or bill of exchange or protest for better security or prepare acts of honour under the Negotiable Instruments Act, 1881 (XXVI of 1881), or serve notice of such note or protest;

(*d*) note and draw up ships protest, boat's protest or protest relating to demurrage and other commercial matters;

(*e*) administer oath to, or take affidavit from, any person;

(*f*) prepare bottomry and respondentia bonds, charter parties and other mercantile documents;

(*g*) prepare, attest or authenticate any instrument intended to take effect in any country or place outside India in such form and language as may conform to the law of the place where such deed is intended to operate;

(*h*) translate, and verify the translation of, any document from one language into another;

(*i*) any other act which may be prescribed:

Provided that no notary shall do any act which he is not, under the terms of his appointment, authorised to do.

(*2*) No act specified in sub-section (*1*) shall be deemed to be a notarial act except when it is done by a notary under his signature and official seal.

9. Bar of practice without certificate.—(*1*) Subject to the provisions of this section, no person shall practise as a notary or do any notarial act under the official seal of a notary unless he holds a certificate of practice in force issued to him under section 5:

Provided that the presentation of any promissory note, hundi or bill of exchange for acceptance or payment by the clerk of a notary shall not be deemed to be a notarial act within the meaning of this sub-section.

(*2*) Nothing contained in sub-section (1) shall, until the expiry of one year from the commencement of this Act, apply to any such person as is referred to in the proviso to clause (*d*) of section 2.

10. Removal of names from Register.—The Government appointing any notary may by order, remove from the Register maintained by it under section 4 the name of the notary if he—

(*a*) makes a request to that effect; or

(*b*) has not paid any prescribed fee required to be paid by him; or

(*c*) is an undischarged insolvent; or

(*d*) has been found, upon inquiry in the prescribed manner, to be guilty of such professional or other misconduct as in the opinion of the Government, renders him unfit to practise as a notary.

11. Construction of references to notaries public in other laws.—Any reference to a notary public in any other law shall be construed as a reference to a notary entitled to practise under this Act.

12. Penalty for falsely representing to be a notary, etc.—Any person who—

(*a*) falsely represents that he is a notary without being appointed as such, or

(*b*) practises as a notary or does any notarial act in contravention of section 9,

shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

13. Reciprocal arrangements for recognition of notarial acts done by foreign notaries.—If the Central Government is satisfied that by the law or practice of any country or place outside India, the notarial acts done by notaries within India are recognised for all or any limited purposes in that country or place, the Central Government may, by notification in the Official Gazette, declare that the notarial acts lawfully done by notaries within such country or place shall be recognised

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within India for all purposes or, as the case may be, for such limited purposes as may be specified in the notification.

14. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the form and manner in which applications for appointment as a notary may be made and the disposal of such applications;

(*b*) the certificates, testimonials or proofs as to character, integrity, ability and competence which any person applying for appointment as a notary may be required to furnish;

(*c*) the fees payable for appointment as a notary and for the issue of and renewal of certificate of a practice, and exemption from such fees in specified classes of cases;

(*d*) the fees payable to a notary for doing any notarial act;

(*e*) the form of Registers and the particulars to be entered therein;

(*f*) the form and design of the seal of a notary;

(*g*) the manner in which inquiries into allegations of professional or other misconduct of notaries may be made;

(*h*) the acts which a notary may do in addition to those specified in section 8 and the manner in which a notary may perform his functions;

(*i*) any other matter which has to be, or may be, prescribed.

15. Repeal.—Chapter XVII of the Negotiable Instruments Act, 1881 (XXVI of 1881), is hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

Under section 138 of the Negotiable Instruments Act, 1881, the Government of India have the power to appoint notaries public, but only for the limited purpose of performing functions under that Act. By virtue of an ancient English Statute, the Master of Faculties in England used to appoint notaries public in India for performing all recognised notarial functions but it is no longer appropriate that persons in this country who wish to function as notaries should derive their authority from an institution in the United Kingdom.

The object of the present Bill is to empower the Central and State Governments to appoint notaries, not only for the limited purposes of the Negotiable Instruments Act, but generally for all recognised notarial purposes, and to regulate the profession of such notaries.

A Bill on the subject was accordingly introduced in the provisional Parliament on the 19th April 1951, and referred to a Select Committee on the 18th August, 1951. The report of the Select Committee was presented on the 4th October, 1951, but the Bill could not be proceeded within the last Session of Parliament for want of time and, therefore, lapsed. Apart from one or two minor drafting changes, the present Bill follows closely the Notaries Bill, 1951, as amended by the Select Committee.

C. C. BISWAS.

NEW DELHI,
The 15th May, 1952.

M. N. KAUL,
Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section I-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 609—Legis. 4-52-7, dated Bangalore, 20th June 1952.

Ordered that the Indian Tariff (Second Amendment) Act, 1952 (Central Act No. XLII of 1952) published in the *Gazette of India*, Part II, Section 1, dated the 16th June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Received the assent on 15th June 1952.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 15th June 1952.

THE INDIAN TARIFF (SECOND AMENDMENT) ACT, 1952
(ACT No. XLII OF 1952.)

A Bill further to amend the Indian Tariff Act, 1934.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Indian Tariff (Second Amendment) Act, 1952.

2. Amendment of the First Schedule, Act XXXII of 1934.—In the First Schedule to the Indian Tariff Act, 1934,—

(*i*) for Item No. 11 (2), the following Item shall be substituted, namely :—

"11 (2)	Sago flour	Protective ...	30 per cent *ad valorem.*	...	...	December 31st, 1954.";

(*ii*) for Items Nos. 11 (4) and 11 (5), the following Items shall be substituted, namely :—

"11 (4)	Starch	Protective ..	30 per cent *ad valorem.*	...	...	December 31st, 1954.
11 (5)	Farina	Protective ...	30 per cent *ad valorem.*	...	...	December 31st, 1954.";

(*iii*) in Items Nos. 46, 46(1), 47, 47(1), 48, 75(5), 75(6), 75(7) and 75 (8), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "March 31st, 1952", wherever they occur, the word, figures and letters "December 31st, 1952" shall be substituted ;

(*iv*) for Item No. 63 (30), the following Item shall be substituted, namely :—

"63 (30)	Rods or bars of alloy, tool or special steel of the following categories but excluding bright drawn bars of high speed steel and of stainless and heat resisting steel and precision ground and polished bars and silver steel finish bars of all kinds :—					
	(1) High speed steel containing more than 13 per cent tungsten,					
	(2) Stainless and heat resisting steel containing more than 11 per cent chromium,					
	(3) Other alloy steels not included in category (*i*) or (*ii*) containing any of the following :—					
	(*i*) 0·40 per cent or more of chromium or nickel ;					
	(*ii*) 0·10 per cent. or more of molybdenum, tungsten or vanadium ; or					
	(*iii*) 10·00 per cent or more of manganese—					
	(*a*) of British manufacture.	Protective ...	30 per cent *ad valorem.*	...	...	December 31st, 1951.
	(*b*) not of British manufacture.	Protective ...	42 per cent *ad valorem.*	...	...	December 31st, 1954."

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(*v*) in Items Nos. 66 (a) and 66 (1), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "May 14th, 1952", wherever they occur, the word, figures and letters "December 31st, 1952", shall be substituted;

(*vi*) for Item No. 71(8), the following Item shall be substituted, namely :—

"71 (8)	Grinding wheels and segments made of synthetic abrasive grains, excluding the following, namely,— (*i*) grinding wheels— (*a*) of any thickness or bore but more than 21" in diameter, or (*b*) of any diameter or bore but more than 7½" or less than 1/8" thickness, or (*c*) of any diameter or thickness but more than 12½" bore; and (*ii*) diamond-impregnated wheels.	Protective ...	50 per cent *ad valorem*.	...	...	December 31st, 1954. ...";

(*vii*) after Item No. 71 (11), the following Items shall be inserted, namely :—

"71 (12)	Grinding wheels and segments made of synthetic abrasive grains, not otherwise specified.	Revenue ...	25 per cent *ad valorem*.	...	...	.....
71 (13)	Zip fasteners—					
	(*a*) with metal teeth other than those specified in category (*b*).	Protective ...	31½ pre cent *ad valorem*.	...	...	December 31st, 1954.
	(*b*) with metal teeth having not more than 9 teeth per inch on either side and in which the total width of the metal portion in the closed state is not less than 8 mm.	Revenue ...	25 per cent *ad valorem*.	...	...	.....
	(*c*) not otherwise specified.	Revenue ...	25 per cent *ad valorem*.	...	...	...";

(*viii*) in Item No. 75 (9)(ii), in the entry in the second column, after the word "leather", where it occurs for the first time, the word "plastic" shall be inserted.

K. Y. BHANDARKAR,

Secretary to Government of India.

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NOTIFICATION.

No. L.D. 616—Legis. 4-52-5, Bangalore, dated 20th June 1952.

Ordered that the Displaced Persons (Claims) Amendment Act, 1952 (Central Act No. XL of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 10th June 1952, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received assent on 10th June 1952.

THE DISPLACED PERSONS (CLAIMS) AMENDMENT ACT, 1952

(XL OF 1952).

AN

ACT

to amend the Displaced Persons (Claims) Act, 1950.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Displaced Persons (Claims) Amendment Act, 1952.

2. Amendment of section 1, Act XLIV of 1950.—For sub-section (3) of section 1 of the Displaced Persons (Claims) Act, 1950, the following sub-section shall be substituted, namely :—

"(3) It shall remain in force for a period of three years only."

3. Repeal.—The Displaced Persons (Claims) Continuance Ordinance, 1952 (V of 1952), is hereby repealed.

K. Y. BHANDARKAR,
Secretary to the Government of India.

NOTIFICATION. 640

No. L.D. 621—Legis. 6-52-17, dated Bangalore, 26th June 1952

Ordered that Notification No. S.R.O. 938A, dated the 27th May 1952 of the Ministry of Law authorising the use of Hindi language in addition to the English Language for certain official purposes of the Union, published in the *Gazette of India*, Part II, Section 3, dated the 27th May 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW

NOTIFICATION

New Delhi, the 27th May 1952.

S.R.O. 938A.—The following Order made by the President is published for general information :—

C.O. 41

In exercise of the powers conferred by the proviso to clause (2) of article 343 of the Constitution of India, the President is pleased to authorise the use of the Hindi language in addition to the English language, and of the Devanagari form of numerals in addition to the international form of Indian numerals, for the following official purposes of the Union namely, for warrants of appointments of—

(i) Governors of States,
(ii) Judges of the Supreme Court, and
(iii) Judges of the High Court.

RAJENDRA PRASAD,
President.

[No. F.15(21)/52-C.]

K. Y. BHANDARKAR,
Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES

NOTIFICATION.

No. C. 328—Co. 14-52-6, dated Bangalore, 21st June 1952.

Ordered that the accompanying Notification No. 14 (1)-P.C./52, dated the 9th June 1952 of the Government of India, Ministry of Commerce and Industry, issued under the Supply and Prices of Goods Act, 1950 (LXX of 1952) be republished in the *Mysore Gazette*, for the information of the public.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Chief Secretary to Government.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 9th June, 1952.

No. 14 (1)-P.C./52. In exercise of the powers conferred by Section 4 of thy Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government herebe directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 169, dated the 1st February 1951, namely :—

For the Schedule annexed to the said notification, the following schedule shall be substituted, namely :—

Schedule.

	Tyres, (wired on)	Tubes
	Rs. a. p.	Rs. a. p.
1. Dunlop Roadster, India Super Special, Goodyear Roadking.	6 15 0	2 12 0
2. Bates Dunlop, India Super, Goodyear A.W.T., Goodyear Deluxe R.I.B., Firestone Roadmaster.	5 12 0	2 8 0
3. Dunlop Cambridge, Firestone High Speed, Goodyear Marathon, Goodyear Dehati, India Signal.	4 14 0	.....
4. Pahalwan Dunlop, Goodyear Takat, India Sterling.	4 4 0	.....

C. R. NATESAN,
Deputy Secretary to the Government of India.

NOTIFICATION.

No. C. 349—Co. 24-52-2, dated Bangalore, 27th June 1952.

Ordered that the accompanying Notifications No. S.R.O. 269, dated 16th February 1952, No. S.R.O. 349, dated 1st March 1952 No. S.R.O. 491, dated, 22nd March 1952, No. S.R.O. 600, dated 5th April 1952, No. S.R.O. 684, dated 19th April 1952 and No. S.R.O. 780, dated 3rd May 1952 of the Government of India, Ministry of Commerce and Industry, issued under the Cotton Textiles (Control) Order, 1948, be republished in the *Mysore Gazette*, for the information of the public.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Chief Secretary to Government.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 16th February 1952.

No. S.R.O. 269.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following further amendment shall be made in the Cotton Textiles (Control) Order, 1948, namely:—

In clause 20C of the said Order, in the second proviso after the words "unless it is processed" the words "or that any yarn should be processed before it is used in any cloth produced by a producer" shall be inserted.

S. A. TECKCHANDANI, *Under Secy.*

New Delhi, the 1st March 1952.

No. S.R.O. 349.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following further amendment shall be made in the Cotton Textiles (Control) Order, 1948, namely:—

In sub-clause (4A) of clause 28 of the said Order, the following proviso should be added, namely:—

"Provided that nothing in this sub-clause applies to the possession by any person carrying on the business of banking of yarn pledged with him by a dealer or a manufacturer."

S. A. TECKCHANDANI, *Under Secy.*

New Delhi, the 22nd March 1952.

No. S.R.O. 491.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946, (XXIV of 1946), the Central Government hereby directs that the following further amendment shall be made in the Cotton Textiles (Control) Order, 1948, namely:—

In the said Order, after clause 31, the following clause shall be inserted, namely:—

"31A. (1) For the purpose of enforcing the provisions of this Order, the Textile Commissioner may direct the Officer-in-charge of the Inspectorate of General Stores

Laboratories, Bombay or Calcutta or of the Laboratories of the Chief Superintendent, Development Textiles and Clothing, Kanpur, to carry out or cause to be carried out such tests in relation to any cloth and yarn as may be specified by him.

(2) Where any direction is issued under sub-clause (1), the Officer-in-charge concerned shall make a report under his hand to the Textile Commissioner in respect of any tests so carried out and any such report may be used as evidence in any trial for contravention of any of the provisions of this Order."

S. A. TECKCHANDANI, *Under Secy.*

New Delhi, the 5th April 1952.

No. S.R.O. 600.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following further amendment shall be made in the Cotton Textiles (Control) Order, 1948, namely :—

In the said Order in sub-clause (1) of clause 30B the words "except to a consumer and" shall be deleted.

S. A. TECKCHANDANI, *Under Secy.*

New Delhi, the 19th April 1952.

No. S.R.O. 684.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946, (XXIV of 1946), the Central Government hereby directs that the following further amendment shall be made in the Cotton Textiles (Control) Order, 1984, namely :—

In the said order, for the proviso to sub-clause (1) of clause 20A, the following proviso shall be substituted, namely :—

"Provided that the Textile Commissioner may by order in writing and having regard to—

(*a*) the availability of supplies of cloth in the country,

(*b*) the extent to which the producer was producing any such article during the period of one year immediately preceding the 1st day of October 1951,

(*c*) the demands of the Central Government,

(*d*) the quantity of cloth required to make uniforms for his employees, authorise any producer to produce any such article from a specified quantity of cloth not exceeding twice the quantity of cloth used by him for the production of such article during the period of one year immediately preceding the 1st day of October 1951."

P. GOVINDAN NAIR, *Deputy Secy.*

New Delhi, the 3rd May 1952.

No. S.R.O. 780.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following further amendment shall be made in the Cotton Textiles (Control) Order, 1948, namely :—

In clause 28 of the said order,

(*a*) in sub-clause (3) for the words "stocks of cloth exceeding the total quantity of cloth" the words "stocks of cloth or yarn exceeding the total quantity of cloth or yarn as the case may be" shall be substituted;

(*b*) in sub-clause (4A) for the word "Producer" the word "manufacturer" shall be substituted.

S. A. TECKCHANDANI, *Under Secy.*

NOTIFICATION. 644

No. L.D. 611—Legis. 5-52-36, Bangalore, dated 20th June 1952.

Ordered that Notification No. S. R. O. 1013, dated the 28th May 1952 of the Ministry of Works, Production and Supply, amending the Explosives Rules, 1940, published in the *Gazette of India*, Part II, Section 3, dated the 7th June 1952, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS, PRODUCTION AND SUPPLY.

New Delhi, the 28th May 1952.

NOTIFICATION.

No. S.R.O. 1013.—In exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884 (IV of 1884), the Central Government hereby directs that the following further amendment shall be made in the Explosives Rules, 1940, the same having been previously published as required by section 18 of the said Act:—

In the said Rules.—

1. In Schedule IV, against article No. 3A, for the existing entry in column 4, the following entry shall be substituted, namely:—
   "The District Authority in the States of Madras, Travancore-Cochin and Mysore".

2 In Form I-A of Schedule V for the words "For the Province of Madras only", within brackets, at the top, the following words shall be substituted, namely:—
   "For the States of Madras, Travancore-Cochin and Mysore".

S] K. GUHA,
Under Secretary to the Government of India
[M—103 (1)/52]

NOTIFICATION. 645

No L.D. 622—Legis. 5-52-37, Bangalore, dated 26th June 1952.

Ordered that Notification No. S.R.O. 973, dated the 1st June 1952 of the Ministry of Communications further amending the Indian Wireless Telegraphy (Possession) Rules, 1933, published in the *Gazette of India*, Part II, Section 3, dated the 1st June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

(POSTS AND TELEGRAPHS).

NOTIFICATION.

New Delhi, the 1st June 1952.

S.R.O. 973.—In exercise of the powers conferred by Section 10 of the Indian Wireless Telegraphy Act, 1933 (XVII of 1933), the Central Government hereby directs that the following further amendment shall be made in the Indian Wireless Telegraphy (Possession) Rules, 1933, namely :—

In the said rules, after rule 19, the following new rule shall be inserted, namely :—

"20 (i) Notwithstanding anything contained in the foregoing rules, persons who immediately before the 1st June 1952, possess any wireless receiving apparatus without the requisite licence or continue to possess any such apparatus without obtaining a fresh licence on renewal in contravention of any of the said rules shall be entitled during the period commencing on the 1st June, 1952, and ending on the 31st July, 1952 to take out the requisite licence or obtain a fresh licence on renewal, as the case may be, without payment of any surcharge as required by rules 18 and 19.

(ii) The provisions of sub-rule (i) shall not apply to Dealers in respect of Dealers' Possession Licence required to be taken out by them under these rules".

[No. T-2/W. 21-16/51-I.]

K. V. VENKATACHALAM, Dy. Secy.

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NOTIFICATION.

No L.D. 624—Legis. 6-52-19, Bangalore, dated 26th June 1952.

Ordered that Notification No. S.R.O. 1018, dated the 3rd June 1952 of the Ministry of Works, Production and Supply appointing the 7th June 1952 as the date on which the Rajghat Samadhi Act, 1951 would come into force, published in the *Gazette of India*, Part II, Section 3, dated the 7th June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja.

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS PRODUCTION & SUPPLY.

NOTIFICATION.

New Delhi, the 3rd June 1952.

S.R.O. 1018.—In exercise of the powers conferred by sub-section (2) of section 1 of the Rajghat Samadhi Act, 1951 (XLI of 1951), the Central Government hereby appoints the 7th June 1952 as the date on which the said Act shall come into force.

[No. 3532-WI/52.]

N. B. CHATTERJI, Dy. Secy.

NOTIFICATION. 647

No L.D. 625—Legis. 6-52-18, Bangalore, dated 26th June 1952.

Ordered that Notification No. S.R.O. 1005, dated the 28th May 1952 of the Ministry of Rehabilitation under the Displaced Persons (Debts Adjustments) Act, 1951, making an addition to the List of Banking Companies, published in the *Gazette of India*, Part II, Section 3, dated the 7th June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION.

NOTIFICATION.

New Delhi, the 28th May 1952.

S.R.O. 1005.—In pursuance of the provisions of clause (7) of section 2 of the Displaced Persons (Debts Adjustments) Act, 1951 (LXX of 1951), the Central Government hereby directs that the following entry shall be added to the list of banking companies appended to the notification of the Government of India in the Ministry of Rehabilitation No. S.R.O. 609, dated the 27th March 1952, namely :—

"15. The National City Bank Limited".

[No. 68 (18)/51-Prop.]

MANMOHAN KISHAN, Asstt. Secy,
Office of the Chief Commissioner.

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NOTIFICATION.

No. L.D. 626—Legis. 5-52-38, Bangalore, dated 26th June 1952.

Ordered that Notification No. S.R.O. 1004, dated the 20th May 1952 of the Ministry of Rehabilitation making certain additions in Form 'B' appended to the Evacuee Interest Separation Rules, 1951, (S.R.O. 108, dated 15th January 1952) published in the *Gazette of India*, Part II, Section 3, dated the 7th June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION.

NOTIFICATION.

New Delhi, the 20 th May 1952.

S.R.O. 1004.—*Corrigendum.*—In Form 'B' appended to the Evacuee Interest (Separation) Rules, 1951, contained in this Ministry's notification No. S.R.O. 108, dated the 15th January 1952, published in the issue of the Government of India Gazette, dated the 19th January 1952, the following words shall be added after the word "annexed" :—

"is composite property".

[No. 82 (13)/51-Prop.]

MANMOHAN KISHAN, Asstt. Secy,
Office of the Chief Commissioner.

LABOUR DEPARTMENT. 649

No. L. S. 1540—L.W 71-50-29, Bangalore, dated 30th June 1952.

Labour—Disputes—Dispute between the Mysore District Automobile Workers and the Mysore District Automobile owners, Mysore—Second interim award of the Industrial Tribunal, Bangalore—published.

Read the following papers :—

(1) Government Order No. L. S. 1866—LW. 71-50-25, dated 7th August 1951.

(2) Reference dated 14th June 1951 from Sri T Singaravelu Mudaliar, B.A., B.L., Chairman, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

Saturday, the 14th day of June 1952.

Present.

Sri T. Singaravelu Mudaliar, B.A., B.L.,	... ...	*Chairman*
Janab Mohamood Sheriff, B.A., LL.B.,	... ...	*Member*
Sri S. Rangaramiah, B.A., LL.B.,	... ...	*Member*

I Party—The Mysore District Automobile Workers' Association, Mysore.

Versus

II Party—The Mysore District Automobile Owners' Association, Mysore.

A. C. Number I of 1951-52.

SECOND INTERIM AWARD.

In Government Order No. L.S. 1866—L.W. 71-50-25, dated 7th August 1951, His Highness the Maharaja of Mysore referred the disputes between the Employers in relation to the Automobile Services in Mysore District, specified in Schedule I, annexed to the said Order and the workmen employed by them in respect of the matters specified in schedule II, annexed to the said Order.

On the 21st of April 1952, an Interim Award was passed according to the terms agreed upon between the both parties and has been submitted to Government.

Parties then took up the questions involved in Item Numbers 7, 10 and 13(b) in the terms of reference in Schedule II in the Government Order stated above. Item No. 7 is "The running staff should be provided with food, etc., when on the line". Item No. 10 is "The employers should meet all the expenses of the running staff when on the line". Item No. 13 (b) is "In addition Drivers and Conductors going on the line, should receive each an allowance of Rupees Two per day."

Discussions between the parties took place in the presence of the Tribunal on the 12th and 13th of June 1952. It was stated before the Tribunal on behalf of the Management that the principle involved in these three terms of reference should be that the Drivers, Conductors and Cleaners should be paid such a bat'a as would cover their out-of-pocket expenditure for the meals and tiffin they have to take when on the line.

In the course of discussions with regard to item No. 7 of the reference, *i.e.*, The running staff should be provided with food, etc., when on the line, as demanded by the Labour Association, after consideration of various difficulties that would arise if this demand is given effect to, it was given up as being impracticable. Then with

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regard to Item 10 of the reference, *i.e.*, the employers should meet all the expenses of the running staff when on the line, this demand of the Labour Association is too vague and indefinite and therefore was not seriously considered. With regard to Item 13(b), *i.e.*, Drivers and Conductors going on the line, should receive each an allowance of Rupees Two per day, there was lengthy discussion for two days. Sri A. Venkatesia, Advocate for the Employers, referred to the Award of the Industrial Tribunal, presided over by Sri M. Venkataramaiya, B.A., B.L., and relied upon the principles laid down therein on Page 20 of the Award *vide* G.O. No. 2169, dated 29th April 1948 of the Government of Madras, wherein it is stated "In arriving at a decision on the subject we have to consider what for is the batta paid. An employee leaving his home on the work of the employer and has to stay outside his place of residence necessarily has to spend extra money. He has got to be paid money for getting his food at the other end. He has to be compensated for that. To that extent to which he is put to extra expenditure he must be compensated. That is obvious. At the same time, batta should not be made a source of profit, or extra income. The only extra income is in the shape of less expenditure at home as he dines out when on duty. A man who goes out on a bus over a long distance must be of robust health if he has to do the work day after day." The principle evolved in the above quotation is accepted by both the parties. It therefore follows that the Employer has got to pay to the employees—Driver, Conductor or Cleaner—batta from the moment he starts the service till he returns to Headquarters. Having regard to this aspect, the longest route which a bus runs from Mysore, is more than 150 miles a day. These routes are from Mysore to Shimoga and from Mysore to Narasimharajapura. The staff running on these two lines, start from Mysore in the morning and arrive at their destinations in the evening and they have got to make a halt overnight at their destinations. The return journey similarly starts in the morning from that end and ends at Headquarters in the evening.

The staff should therefore be provided with a mid-day meal and tiffin in the evening and a night meal at the place of halt, a tiffin the next morning, a mid-day meal in the afternoon and a tiffin in the evening, before the bus arrives at Headquarters. These trips therefore involve three meals and three tiffins for each of the staff. This is accepted by both parties. The point for decision is, whereas the employer is prepared to pay Re. 0–14–0 for a meal and Re. 0–6–0 for a tiffin, the Labour Association demands Re. 1 for a meal and Re. 0–8–0 for a tiffin. It was pointed out to us, in our opinion, legitimately, that although a vegetarian meal and a vegetarian tiffin may be available for Re. 0–14–0 and Re. 0–6–0, respectively, a non-vegetarian meal and a non-vegetarian tiffin may not be so available and for the strain involved on the members of the staff running more than 150 miles a day requires good nourishment and we are told that a large number of the members of the running staff are non-vegetarians. It is not possible, in our opinion, to make a distinction, while fixing the rates of allowances between vegetarians and non-vegetarians. This was the matter which did not lead to the common understanding between the parties and eventually both parties have left it us to decide. For the reasons we have already stated, we consider that Re. 1 per meal and Re. 0–8–0 per tiffin are reasonable rates. We therefore award that Re. 1 shall be fixed per meal and Re. 0–8–0 per tiffin. Accordingly for services running 150 miles and above on a trip which involves 3 meals and 3 tiffins as already stated for both the foward and return journey, a batta of Rs. 4–8–0 has to be paid. In this connection, no distinction is to be made between the Driver, Conductor or Cleaner since all of them are expected to take their meals during the trips. With regard to the services running between 120 miles and 150 miles, both parties agreed that these trips involve one meal and two tiffins. Therefore, a batta of Rs. 2 for both Up and Down journeys is awarded. For trips involving less than 120 miles, the staff is to have only one meal and a tiffin. Therefore for such trips Rs. 1–8–0 is fixed as

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batta for both Up and Down Journeys. When within such trips, the staff has got to halt overnight out of Headquarters, an additional sum of annas four is to be added. In trips involving less than 120 miles, where the members of the staff need not have their meals or tiffin outside Headquarters their batta is fixed at Re. 1.

With regard to the services running in Mysore City, the rates now being paid are annas twelve for the whole day on the basis of two tiffins, and the demand is that they must be paid at the rate of annas eight a tiffin. According to the view we have expressed above, the staff should get eight annas for each tiffin which will be Re. 1 a day if the staff works both in the morning and in the afternoon.

T. SINGARAVELU MUDALIAR,
Chairman.

MOHAMOOD SHERIFF,
Member.

S. RANGARAMIAH,
Member.

NOTIFICATION.

Order No. L.S 1540—L.W. 71-50-29, Bangalore, dated 30th June 1952.

WHEREAS the Second Interim Award of the Industrial Tribunal, Bangalore, in respect of the dispute between the workers and management of the Mysore District Automobile Services has been received;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Dispute Act, 1947, (Central Act XIV of 1947), His Highness the Maharaja of Mysore hereby directs that the award be published in the *Mysore Gazette.*

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 2-B.

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

No. Ch.s. 4443—Misc. 91-51-10, dated Bangalore 19—27th June 1952.

In exercise of the powers conferred by clause (2) of Article 166, read with clause (1) of Article 238 of the Constitution of India and in supersession of the rules made in Notification No. 10646—C.B. 253-49-2, dated 26th January 1950, His Highness the Maharaja Sri Jaya Chamaraja Wadiyar Bahadur, Rajpramukh of Mysore, is pleased to make the following rules, namely :—

1. Orders or Instruments made and executed in the name of the Rajpramukh of Mysore, shall be authenticated by the signature of a Secretary, an Under Secretary, an Assistant Secretary or an Additional Assistant Secretary to the Government of Mysore.

2. Copies and extracts of such Orders or Instruments may be authenticated by the Superintendent in the appropriate Department of the Secretariat concerned, as follows :—

By Order of His Highness the Maharaja,
A. B. C.
Secretary to Government.

"True Copy"
Extract

Forwarded to X.Y.Z.

By Order,
D.E.F.
Superintendent,
.....*Branch.*

The signature A.B.C. shall be printed, typewritten or copied, and the signature D.E.F. shall be the actual *signature* of the authenticating Officer.

JAYA CHAMARAJA WADIYAR,
RAJPRAMUKH OF MYSORE.

N. PUTTARANGASWAMY,
Chief Secretary to Government.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATIONS.

No. S.D. 2074—C. 26-52-11, dated Bangalore, the 24th June 1952.

In exercise of the powers conferred by Rule 81 (2) of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 (Act XX of 1947), His Highness the Maharaja of Mysore is pleased to direct that, in supersession of the previous notifications issued from time to time on the subject, fuel shall be sold at the following rates in the Corporation of the City of Bangalore, by persons licensed to deal in fuel by the Rationing Officer, Bangalore or any other officer authorised by the Director of Food Supplies in this behalf, and to direct further with reference to Rule 119 of the said Rules that notice of this Order shall be given by publication in the Official Gazette.

			Per Rupee.
I.	(*a*) Casuarina. (*b*) Kamara. (*c*) Dindiga. (*d*) Jambe. (*e*) Mathi.	Split	... 2¼ Mds. (Two and a quarter maunds).
		Un-split	... 2½ Mds. (Two and a half maunds).
II.	Junglewood (soft)	Split	... 3½ Mds. (Three and a half maunds).
	Do	Un-split	... 4 Mds. (Four maunds).
III.	Junglewood (hard)	Split	... 2¾ Mds. (Two and three-fourths maunds).
	Do	Un-split	... 3¼ Mds. (Three and a quarter maunds).

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Chief Secretary to Government.

No. M. 5371—A.M. 7-52-1, dated Bangalore, 27th June 1952.

In exercise of the powers conferred by section 6 of the Indian Christian Marriage Act, 1872 (Central Act No. XV of 1872), His Highness the Maharaja of Mysore is pleased to grant a licence under the said Act, to Mr. Augustus Josiah Morling, No. 4, John Armstrong Road, Richards Town, Bangalore-5, a Minister of Religion, to solemnize marriages between Christians within the State of Mysore.

His Highness the Maharaja of Mysore is further pleased in exercise of the powers conferred by Section 9 of the said Act to grant a licence to the said Mr. Augustus Josiah Morling to grant certificates of Marriage between Indian Christians within the State of Mysore.

By Order of His Highness the Maharaja,

A. S. KHALEEL,
Secretary to Government,
Local Self-Government Department.

No. Fl. 3442—S.T. 28-52-2, dated Bangalore, 26th June 1952.

The following draft of certain further amendments to the Rules for the Computation of Turnover contained in the Schedule to the Mysore Sales-Tax Act, 1948 (Mysore Act No. XLVI of 1948), which it is proposed to make in exercise of the powers conferred by the proviso to sub-section (4) of Section 3 of the said Act, is hereby published for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 8th July 1952. Any objections or suggestions which may be received from any person in respect of the said draft by the Secretary to the Government, Finance Department, Public Offices, Bangalore, before the date specified, will be considered by the State Government.

DRAFT AMENDMENTS.

In the said Rules—

(1) In sub-rule (2) of Rule 1 for the words "by a licensed tanner," the words "by a tanner" shall be substituted.

(2) In clause (i) of sub-rule (1) of Rule 2, for the words "by the dealer to the Government", the words "by the dealer to the Central Government" shall be substituted.

By Order of His Highness the Maharaja,

M. SHAMANNA,
Secretary to Government,
Finance Department.

No. L.S. 1515—L.W. 131-52-1, dated Bangalore, 27th June 1952.

Whereas under Notification No. L.S. 1075 – L.W. 68–51–2, dated 15th June 1951, an Industrial Tribunal for the adjudication of Industrial Disputes in accordance with the provisions of the Industrial Disputes Act, 1947, (Central Act XIV of 1947), was constituted for a period of one year;

And whereas the said period of one year has expired creating a vacancy in the office of both the Chairman and the two Members, namely :—

1. Sri T. Singaravelu Mudaliar, B.A., B.L. ... *Chairman.*
2. Janab Mohamed Sheriff, B.A., LL.B. } ... *Members.*
3. Sri S. Rangaramiah, B.A., LL.B. }

Now therefore, in exercise of the powers conferred under Sections 7 and 8 of Industrial Disputes Act, 1947, His Highness the Maharaja of Mysore is hereby pleased to constitute an Industrial Tribunal for adjudication of Industrial disputes in the Mysore State in accordance with the provisions of the Act and further to appoint the following persons as Chairman and Members thereof :—

1. Sri B. R. Ramalingiah, M.A., B.L., Retired District Judge. ... *Chairman.*
2. Janab Mohamed Sheriff, B.A., LL.B. } ... *Members.*
3. Sri K. Shamaraja Iyengar, B.A., LL.B. }

Under Section 10 (1) (C) of the Industrial Disputes Act, 1947, His Highness the Maharaja is pleased to direct that the Tribunal now constituted under this notification shall hear and dispose of all the references made to the previous Tribunal constituted under the notification of

15th June 1951 and which have remained undisposed of on 15th June 1952.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

No. S.R. 1750—St. 21-51-2, dated Bangalore, 20th June 1952.

In exercise of the powers conferred by Sections 74 and 75 of the Mysore Stamp Act, 1900 (Mysore Act No. II of 1900) and Sections 35 and 41 of the Mysore Court Fees Act, 1900 (Mysore Act No. III of 1900), His Highness the Maharaja of Mysore, is pleased to direct that the following further amendment shall be made in the Rules for the Control, Manufacture, Custody, Supply and Sale of Stamps issued in Government Order No. Fl. 5060-9—St. 18-24-3, dated 12th March 1925.

For para 2 of Rule 6, the following para shall be substituted, namely—

"The Special Deputy Commissioners of Sales-Tax are appointed as Special *Ex-officio* Inspectors of Stamps within their respective jurisdiction and are entrusted with the following duties :—

(i) Inspection of the Stamp Depot and of the Stamp Manufactory once a year by the Deputy Commissioner of Sales-Tax, Bangalore Division.

(ii) Inspection of all offices, except Judicial, regarding the observance of Stamp Rules.

(iii) Inspection of the Stamp accounts of District Treasuries.

(iv) Inspection of the Stamp accounts of all Taluk Treasuries.

(v) Any other work that may be delegated by the Commissioner of Stamps such as, scrutiny over the work of recovery of institution fees due to Government in pauper suits."

By Order of His Highness the Maharaja,

M. S. SWAMINATHAN,
Secretary to Government, Revenue Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

The Mysore Gazette

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BANGALORE, THURSDAY, JULY 10, 1952. [No. 28

PART IV

Section I-C

...S, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES

GOVERNMENT OF MYSORE.

Legislative Department.

NOTIFICATION.

No. L.D. 681—Legis. 5-52-89, dated Bangalore, 29th June 1952.

...d that Notification No. S.R.O. 709, dated the 17th April ...e Ministry of Home Affairs—The Criminal Courts and Court ...justment of Jurisdiction) Rules, 1952, published in the ...India, Part II, Section 3, dated the 26th April 1952, be ...d in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.
MINISTRY OF HOME AFFAIRS.

NOTIFICATION.

New Delhi, the 17th April 1952.

...O. 709.—In exercise of the powers conferred by sub-section (1) of section ...the Code of Criminal Procedure, 1898 (V of 1898), and in supersession of all ...notifications on the subject, the Central Government hereby makes the

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following rules for the trial of persons subject to military, naval or
a court to which the said Code applies, or by a court-martial, nam

1. (1) These Rules may be called the Criminal Courts
(Adjustment of Jurisdiction) Rules, 1952.

(2) They extend to the whole of India except the State
Kashmir and Manipur.

2. In these Rules unless the context otherwise requires—

(i) "Commanding Officer"

(a) in relation to a person subject to military law means
manding the unit or detachment to which such p
attached;

(b) in relation to a person subject to naval law means
Officer of the ship to which such person for the time
and

(c) in relation to a person subject to Air Force law mean
the time being in command of the unit or detachment
person belongs or is attached.

(ii) "competent military authority" means the Officer Comm
army corps, division, area, corps or independent brigade
which the accused person is serving and [except in cases
section 69 of the Army Act, 1950 (XLVI of 1950)] wh
resulted, the Officer Commanding the brigade or sub-area
which the accused person is serving;

(iii) "competent naval authority" means the Commander-in-Chief
or Rear Admiral Commanding, Indian Naval Squadron, or
in-Charge, Bombay, or Commodore-in-Charge, Cochin
Officers-in-Charge, or Senior Naval Officer-present; and

(iv) "competent Air Force authority" means the officer co
command, wing or station in which the accused person is
when death has resulted [except in cases falling under sec
Air Force Act, 1950 (XLV of 1950)] the Commander-in
Force".

3. Where a person subject to military, naval or Air Force law is b
a Magistrate and charged with an offence for which he is liable to be
court-martial, such Magistrate shall not proceed to try such person or to
for his case to be referred to a Bench, or to inquire with a view to his
for trial by the Court of Sessions or the High Court for any offence tri
Court, unless

(a) he is of opinion, for reasons to be recorded, that he should
without being moved thereto by competent military, n
Force authority, or

(b) he is moved thereto by such authority.

4. Before proceeding under clause (a) of rule 3 the Magistrate shall
notice to the Commanding Officer of the accused and until the expiry of a
seven days from the date of the service of such notice he shall not—

(a) convict or acquit the accused under sections, 243, 245, 247 or
Code of Criminal Procedure, 1898 (V of 1898), or hear
defence under section 244 of the said Code; or

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(b) frame in writing a charge against the accused under section 254 of the said Code ; or

(c) make an order committing the accused for trial by the High Court or the Court of Sessions under section 213 of the said Code.

5. Where within the period of seven days mentioned in rule 4, or at any time thereafter before the Magistrate has done any act or issued any order referred to in that rule, the Commanding Officer of the accused or competent military, naval or Air Force authority, as the case may be gives notice to the Magistrate that in the opinion of such authority, the accused should be tried by a court-martial, the Magistrate shall stay proceedings and if the accused is in his power or under his control, shall deliver him, with the statement prescribed in sub-section (1) of section 549 of the said Code to the authority specified in the said sub-section.

6. Where a Magistrate has been moved by competent military, naval or Air Force authority, as the case may be, under clause (b) of rule 3, and the Commanding Officer of the accused or competent military, naval or Air Force authority, as the case may be, subsequently gives notice to such Magistrate that, in the opinion of such authority, the accused should be tried by a court-martial, such Magistrate, if he has not before receiving such notice done any act or issued any order referred to in rule 4, shall stay proceedings and if the accused is in his power or under his control, shall in the like manner deliver him, with the statement prescribed in sub-section (1) of section 549 of the said Code to the authority specified in the said sub-section.

7. Where an accused person, having been delivered by the Magistrate under rule 5 or 6, is not tried by a court-martial for the offence of which he is accused, or other effectual proceedings are not taken, or ordered to be taken, against him, the Magistrate shall report the circumstance to the State Government which may, in consultation with the Central Government, take appropriate steps to ensure that the accused person is dealt with in accordance with law.

8. Notwithstanding anything in the foregoing rules, where it comes to the notice of a Magistrate that a person subject to mlitary naval or Air Force law has committed an offence, proceedings in respect of which ought to be instituted before him and that the presence of such person cannot be procured unless through military, naval or Air Force authorities, the Magistrate may by a written notice require the Commanding Officer of such person either to deliver such person to a Magistrate to be named in the said notice for being proceeded against according to law, or to stay the proceedings against such person before the court-martial, if since instituted, and to make a reference to the Central Government for determination as to the Court before which proceedings should be instituted.

9. Where a person subject to military, naval or Air Force law has committed an offence which, in the opinion of competent military, naval or Air Force authority, as the case may be, ought to be tried by a Magistrate in accordance with the civil law in force or where the Central Government has, on a reference mentioned in rule 8, decided that proceedings against such person should be instituted before a Magistrate, the Commanding Officer of such person shall after giving a written notice to the Magistrate concerned, deliver such person under proper escort to that Magistrate.

[No. 118/50-Judl.]

E. C. GAYNOR, Dy. Secy.

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PART IV

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATION.

No. 1445—Cts. 75-52-1, dated Bangalore, 27th June 1952.

In exercise of the powers conferred by Section 50 of the Administrator-General's Act, 1913 (Central Act III of 1913), His Highness the Maharaja of Mysore is pleased to make the following rules, namely :—

1. These rules may be called "Administrator-General (Mysore) Rules, 1952."

2. (1) If the Administrator-General has notice of the existence of a person or persons who would be entitled to grant of probate or letters of administration in preference to the Administrator-General and if the intentions of such person or persons as to applying for probate or letters of administration have not been ascertained, the Administrator-General shall, before applying for grant of letters of administration to himself, give notice in writing to such person or persons of his intention so to apply in default of such person or persons applying for grant of probate or letters of administration to himself or themselves within a reasonable time to be specified in such notice.

(2) The Administrator-General shall, in all cases, without prejudice to his duty to do everything necessary to protect the interests of creditors and other persons having superior claims to the assets of an estate, use his best endeavours to ascertain the wishes of relatives and others interested in the disposal of the assets of every estate under his administration and shall have regard to such wishes especially in respect of specific assets to which sentimental or personal association attach, unless he considers such a course would be prejudicial to the due administration of the estate:

Provided that nothing in this rule shall prevent the immediate disposal of live-stock or other assets subject to speedy or natural decay.

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3. (1) When the Administrator-General collects and takes possession of assets under an order made under Section 11 of the Act or with a view to obtain letters of administration under Section 9 of the Act or to administer without letters of administration under Section 32 of the Act, he shall be entitled to a commission upon the amount or value of the assets which he so collects or takes possession of, according to the following scale, subject to a minimum of Rs. 15.

In the case of movable articles taken possession or and kept in custody.	Two per centum of the value of such articles.
In the case of outstandings and moneys collected.	Five per centum of the amount collected.
In the case of immovable property ...	Five per centum of the income derived from such property.

If letters of administration in respect of such assets are afterwards granted to the Administrator-General or such assets are afterwards administered by him without letters of administration, the commission collected under this sub-rule shall be deemed to be a part payment of the commission payable to the Administrator-General under sub-rule (3) (*a*).

(2) For every certificate granted under the provisions of Sections 31 and 32 of the Act, the Administrator-General shall be entitled to charge a fee calculated at the rate of three per centum on the amount mentioned in the certificate, subject to a minimum of Rs. 6.

(3) (*a*) The Administrator-General shall, in respect of every estate administered by him under any letters of administration granted to him in his official character, or under any probate granted to him of a will wherein he is named as executor by virtue of his office, or under any probate or letters of administration vested in him by Section 25 of the Act, or under Section 32 of the Act without a grant of letters of administration, be entitled to receive a commission upon the amount or value of the assets which he collects, or takes possession of in due course of administration according to the following scales:

(i) In the case of an estate the total value of which does not exceed Rs. 50,000.	Five per centum.
(ii) In the case of an estate the total value of which exceeds Rs. 50,000 but does not exceed Rs. 1 lakh.	Five per centum up to Rs. 50,000 and four per centum on the balance.

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(iii) In the case of an estate the total value of which exceeds Rs. 1 lakh but does not exceed Rs. 2 lakhs.	As in item (ii) up to Rs. 1 lakh and three per centum on the balance.
(iv) In the case of an estate the total value of which exceeds Rs. 2 lakhs.	As in item (iii) up to Rs. 2 lakhs and two per centum on the balance.

Provided that the aforesaid scales shall be subject:

(i) to a minimum of Rs. 15 in the case of assets realised as capital;

and

(ii) to the following minimum scale in the case of assets realised as income:

Where the income does not exceed Rs. 20 per half year.	Re. 1 per half year.
Where the income exceeds Rs. 20 but does not exceed Rs. 50 per half year.	Rs. 2-8-0 per half year.
Where the income exceeds Rs. 50 but does not exceed Rs. 75 per half year.	Rs. 3-12-0 per half year.
Where the income exceeds Rs. 75 but does not exceed Rs. 100 per half year.	Rs. 5 per half year.

(*b*) The last sub-rule shall not apply to cases in which the property of an officer or soldier dying on service comes into the hands of the Administrator-General under the provisions of the Army and Air Force (Disposal of Private Property) Act, 1950.

The Administrator-General shall charge three per centum on gross amount of such property coming into his hands if preferential charges as defined by the second section of the said Statute have been previously paid, or on the gross amount remaining in his hands after payment by him of such charges as the case may be.

(*c*) Notwithstanding anything hereinbefore contained, when the Administrator-General obtains probate or letters of administration operating in another State, he shall be entitled to the same rate of commission in respect of the collection of assets collected in such State as the Administrator-General of such State would have been entitled to if such assets had been collected and distributed by him, and to no higher rate.

(4) The capital value of immovable properties, for purposes of levying commission, shall be fifteen times the annual gross rentals derived from the said properties on the date when the Administrator-General takes possession of the properties.

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(5) For purposes of levying commission, the movables shall be valued by the Administrator-General at the time he takes possession of them.

(6) Commission on interest realised from securities shall be levied on the net amount collected by the Administrator-General in the course of administration.

4. (1) On the grant to the Administrator-General of probate or letters of administration to any estate or in the case of an administration under Section 32 of the Act without such grant or in case of a transfer of administration to the Administrator-General under Section 25 of the Act, the Administrator-General shall publish a notice in two consecutive issues of the *Mysore Gazette*, in the following form:

> "The Administrator-General of Mysore hereby gives notice that he is administering from.....the estate of .... deceased, late of..... .... under the provisions of Section 32 of the Administrator-General's Act, 1913, without any grant of administration or under a deed of transfer executed on ..... under the provisions of Section 25 of the Administrator-General's Act, 1913, or under a grant of probate (or letters of administration) made to him on the ....by the High Court of Mysore and that all persons having claims against the said estate as creditors, next of kin, legatees or in any other manner whatsoever should prefer their claims to the said Administrator-General on or before the .... after which date he will proceed to make distribution of the assets of the said estate and will recognise in such distribution only such claims as shall have previously been established to his satisfaction."

(2) The period allowed to claimants to prefer their claims to the Administrator-General shall in no case be less than one month from the date of the publication of the said notice, and in cases in which the Administrator-General has reason to believe that claimants may be residing out of India, the period shall not be less than two months from the date of such publication.

(3) The expenses of publishing such notices shall be charged to the estate concerned.

5. (1) Notice of rejection or disallowance in part, by the Administrator-General of any claim shall contain the following particulars :—

(*a*) Name of the estate.
(*b*) Name and address of the claimant.
(*c*) Particulars of the claim rejected or of the part disallowed and the reasons for such rejection or disallowance.
(*d*) Date on which notice of the claim in question was received by the Administrator-General.
(*e*) Date of the final decision of the Administrator-General rejecting the claim or disallowing it in part.

(2) For the information of claimant, the provisions of Section 26, sub-section (3) of the Act shall be cited at the foot of the notice.

6. (1) All fees and commission leviable under these rules, except those chargeable to estates under the charge of the Administrator-General, shall be payable to him in advance by the person liable to pay the same.

(2) All fees and commission collected by the Administrator-General under the provisions of these rules shall be paid by him on or before the 20th of the month following that in which they are realised, into the State Huzur Treasury to the credit of the Government :

Provided that the Administrator-General may make refunds of fees and commission over-charged from the fees and commission collected by him under the provisions of these rules.

(3) Any sum payable as commission or fees in pursuance of these rules shall be taken to the nearest anna, *i.e.*, any sum from 6 pies to 11 pies shall be charged as one anna and any sum less than 6 pies shall be remitted.

7. (1) No person shall be entitled to inspect the accounts relating to an estate and the reports and certificates of the auditor relating thereto without first satisfying the Administrator-General that he is interested in the Administration of the said estate :

Provided that nothing hereinbefore contained shall preclude the Administrator-General from refusing inspection of documents and papers of a confidential nature, and

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the decision of the Administrator-General in this respect shall be final.

(2) Every person desiring such inspection shall, at least one clear day before the day on which he desires inspection, apply in writing to the Administrator-General setting forth the following particulars :—

(*a*) His name and address.

(*b*) The name of the estate as to which inspection is desired.

(*c*) The nature of his interest in such estate.

(*d*) The day on which he desires inspection.

He shall also deposit with the application a minimum fee of Re. 1 which shall be refunded to the applicant in case inspection is not granted.

(3) The Administrator-General shall, after being satisfied as to the interest of the applicant in the estate or matter in question and also as to his *bona fides* appoint an hour on the day named in the application for inspection by the applicant under such supervision as he thinks fit. If, for any sufficient reason, inspection cannot be granted on the day named by the applicant, the Administrator-General shall appoint some other hour and day convenient to the applicant.

(4) A fee calculated at the rate of Re. 1 for every half hour or fraction thereof shall be paid by the applicant in respect of every such inspection as relates to estates which have not been closed in the hands of the Administrator-General. The fee for such inspection in respect of closed estates shall be calculated at the rate of Rs. 2 for every half hour or fraction thereof.

(5) No person shall be entitled to obtain copies of or extracts from the said accounts, certificates and reports of the auditor unless he is a person entitled to inspection thereof:

Provided that nothing hereinbefore contained shall preclude the Administrator-General from refusing grant of copies of documents and papers of a confidential nature, and the decision of the Administrator-General in this respect shall be final.

(6) A fee calculated at the rate of four annas per folio of 72 words subject to a minimum of Re. 1 shall be levied in respect of every copy or extract granted, and if any such copy or extract is required to be certified by the Administrator-General as a true copy, an additional fee of Re. 1 shall be levied.

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8. (*a*) The Administrator-General shall keep the following registers:

1.	Register of estates in charge of the Administrator-General.	Form No. 1
2.	Register of Assets in each estate ...	Do 2
3.	Petty Cash Book showing in separate columns the receipts of cash, cheques, dividend warrants, etc., and also payments of the same through the office to be balanced daily.	Do 3
4.	General Cash Book showing in separate columns every receipt and payment through the office and every receipt and payment through the treasury, of cash, cheque, dividend warrants, Government and other securities, etc., the dates of receipt and payment and the voucher number for each such payment.	Do 4
5.	Ledger in which shall be entered the account current with each separate estate showing the detailed debit and credit items and every transaction whether in cash Government or other securities.	Do 5
6.	Register of sales of movable and immovable properties.	Do 6
7.	Register of outstandings in which shall be entered all the outstandings due to an estate in the shape of book debts, promissory notes, mortgages, pledges, etc.	Do 7
8.	Stock book of jewellery, trinkets and other valuables belonging to each estate.	Do 8
9.	Register of Government and other securities belonging to each estate.	Do 9
10.	Register of rents and lease amounts collected from immovable properties.	Do 10
11.	Register of suits and proceedings to which the Administrator-General is a party.	Do 11
12.	Register of commissions and fees collected and credited to Government monthly.	Do 12
13.	Receipt Book	Do 13
14.	Income-tax refund register in which shall be entered all particulars regarding applications made to Income-tax officers concerned for refund of Income-tax deducted and the particulars of all refunds realised.	Do 14
15.	Assessment Register in which shall be entered particulars of all taxes, quit rents, jodi, khayamgutta, cesses, etc. paid in respect of immovable properties.	Do 15

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16.	Vacancy remission register in which shall be entered all particulars in respect of applications made to the City of Bangalore Municipal Corporation, Moffusil Municipalities, Village Panchayets or District Boards for remission of tax, etc. on the ground of vacancy.	Form No.	16
17.	Periodical payments register in which shall be entered particulars of all payments made to beneficiaries, etc. periodically.	Do	17
18.	Register of foreign remittances in which shall be entered all payments made to beneficiaries and other parties resident in foreign countries.	Do	18
19.	Register of sanctioned estimates in which shall be entered all particulars regarding estimates sanctioned by the Administrator-General.	Do	19
20.	Register of buildings and fixtures in which shall be entered particulars of all house properties, particulars of fixtures and movables belonging to each building, repairs and improvements effected to each building, and the value thereof.	Do	20
21.	Register of advances in which shall be entered particulars regarding advances made and their recoveries or adjustments.	Do	21
22.	Register of claims in which shall be recorded all claims made against the various estates, whether admitted or rejected.	Do	22
23.	Register of certificates issued under sections 31 and 32 of the Administrator-General's Act.	Do	23
24.	Register of amounts to be transferred to Government.	Do	24
25.	Register of properties locked and sealed or left in the custody of the beneficiaries.	Do	25

(*b*) Every payment charged in the Administrator-General's cash account shall be supported by a corresponding voucher which shall be passed for payment under the initials of the Administrator-General.

9. (1) whenever the cash balance to the credit of any individual estate shall amount to Rs. 500 after providing for ascertained current demands, the Administrator-General shall invest or retain invested such balance in

(*a*) Government Securities;

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(*b*) any of the securities authorised by the instrument under which the Administrator-General holds the estate and in which he is requested so to invest or to retain invested such cash balance by the person or persons beneficially interested in the same;

(*c*) unless expressly forbidden by the instrument under which the Administrator-General holds the estate, in any of the securities in which trustees are authorised to invest by the provisions of the Indian Trusts Act, 1882 (II of 1882), or any amendment thereof, save and except that no investment on mortgage of immovable property shall be made by the Administrator-General without the previous sanction of the High Court.

(2) All moneys coming into the hands of the Administrator-General, except those invested under sub-rule (1) and those retained for current petty expenditure by the Administrator-General, shall be deposited by the Administrator-General in the personal deposit account of the Administrator-General in the State Huzur Treasury, and shall form his current balance.

(3) The Administrator-General shall not retain in his hands a larger sum in cash than Rs. 1,000.

(4) All Government securities, bank, railway or other shares and debentures coming into the possession of the Administrator-General shall forthwith be lodged by him in the District Treasury, Bangalore, for safe custody except in cases in which it may be necessary for him to retain them temporarily for any purpose.

(5) All jewellery, trinkets and other valuable articles coming into the possession of the Administrator-General shall forthwith be lodged for safe custody in the State Huzur Treasury, Bangalore, except in cases in which it may be necessary for the Administrator-General to retain them temporarily for any purpose.

10. Remittances to foreign countries of sums of money payable or belonging to persons resident in those countries shall be made by purchasing bills of exchange payable on demand drawn by the Bank of Mysore, Bangalore.

11. (1) The Administrator-General shall, every year, that is to say, on or before the first day in August, deliver to the Government in quadruplicate :—

(*a*) A schedule showing the gross amount of all sums of money and all bonds or other securities for money received or issued by him on account of each estate in his charge, and the balances, during the year ending on the thirty-first day of March next before the day of delivering such schedule ;

(*b*) A schedule of all administrations whereof the final balances have been paid over to the persons entitled to the same, during the same period, specifying the amount of such balances and the persons to whom paid.

The aforesaid schedules shall, within fourteen days afterwards be published in the *Mysore Gazette* by the Administrator-General.

(2) The accounts of the Administrator-General shall be closed once a year on 31st March for the schedules which under sub-rule (1) above is required to be delivered to the Government on or before the 1st August next succeeding that date.

(3) The Administrator-General shall be entitled to such fee as the Government may prescribe from time to time for the preparation of the schedules for every year in addition to the costs of printing and publishing the same.

12. (1) The accounts and schedules of the Administrator-General shall be audited every year and the controller, State Accounts Department, Bangalore shall from time to time appint an auditor or auditors for this purpose.

(2) The auditor or auditors shall submit to Government, together with the audit report, a statement of the accounts in the forms specified below :—

(i) Abstract of cash and Government or other securities received and paid during the year (Statement A)

(ii) Administrator-General's balance for the year (Statement B).

(iii) Abstract of commission account of the Administrator-General for the year (Statement C).

(iv) Statement showing particulars of assets remaining in the hands of the Administrator-General for twelve years or upwards which have to be finally credited to Government (Statement D).

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(v) Statement of remittances to foreign countries during the year for which acknowledgments have not been received (Statement E).

(vi) Statement showing sums below Rs. 10 in amount at credit of different estates and trusts for which there are no claimants (Statement F).

(vii) Statement showing sums below Rs. 10 in amount at debit of different estates the recovery of which is hopeless (Statement G).

(viii) Statement showing sums above Rs. 10 in amount at debit of estates the recovery of which is hopeless (Statement H).

(ix) Memorandum of law costs for the year (Statement I).

(x) Statement showing balances of Rs. 500 and upwards on the last day of the year with reasons for non-investment (Statement K).

(3) The Controller, State Accounts Department, Bangalore, shall be entitled to a remuneration at the rate of 7 annas per cent on the value of the transactions in each estate, for his services in connection with each yearly audit. The said remuneration shall be defrayed by all the estates provided that the mere conversion of securities into cash and *vice versa* or a mere change of securities shall not be deemed to be a transaction for the purposes of this sub-rule.

(4) (*a*) The fee due to the Administrator-General under sub-rule (3) of Rule 11 for the preparation of the yearly schedules, together with the costs and expenses of printing and publishing the said schedules and the copies thereof, shall be defrayed by all the estates, to which such schedules relate, in proportion to the value of the transactions in each of the said estates, provided that the mere conversion of securities into cash and *vice versa* or a mere change of security shall not be deemed to be a transaction for the purposes of this clause.

(*b*) The remuneration of the Controller, State Accounts Department, Bangalore under sub-rule (3) and the proportion of the fee of the Administrator-General under clause (*a*) of this sub-rule shall be ascertained and settled by the auditor or auditors and shall be paid out of the estates accordingly by the Administrator-General.

(5) When an estate is about to be closed, the Administrator-General may call upon the auditor or auditors to ascertain and fix a definite sum to be retained by the Administrator-General to defray the costs and expenses referred to in sub-rule (4) in respect of the estate

in question. The sum thus fixed by the auditor or auditors shall be treated as the proportion of the above charges to be contributed by the estate in question. The sum so fixed shall be immediately transferred to a separate account called "The closed estates audit, etc., charges, account" and appropriated towards the audit charges, fees for the preparation of the schedules and charges for printing and publication of the same when they become payable.

13. (1) When the administration of an estate is completed as far as it is possible and the accounts of the estate have been closed and audited, and no claim thereto has been put forward, the fact of such completion and closure shall be notified in the *Mysore Gazette*, with the particulars of the amounts remaining unclaimed and, if ascertainable, the names of the person or persons *prima facie* entitled to the same. The notice shall further state that the amounts will be transferred to Government if they are not claimed within a period of twelve years from the date of the Notification. The period of twelve years specified in Section 52 of the Administrator-General's Act, 1913, shall be reckoned from the date of such Notification.

(2) All unclaimed assets transferable to the credit of Government under Section 52 of the Act shall be paid into the State Huzur Treasury to the credit of the Government.

(3) Any person claiming payment of the same under the provisions of Section 53 of the Act shall establish his claim to the satisfaction of Government.

14. The Administrator-General may, after closing the administration of any estate in his hands, destroy any private papers, bills, receipts, memoranda and other similar documents of no value which he has received along with the estate and which are not claimed by the beneficiaries, next of kin or any other persons entitled thereto within three months after such closing has taken place.

15. Without the sanction of Government the Administrator-General shall not enter upon any litigation in connection with an estate in his charge the expenses of which are likely to exceed the assets of the estate already in his hands, unless he is properly and sufficiently indemnified against such expenses.

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Explanation.—By "proper and sufficient indemnity" is meant indemnity sufficient to cover all probable costs and consisting in the deposit of Government securities, cash or jewels to an amount to be determined by the Administrator-General.

16. If, in any case, it appears to the Administrator-General that the circumstances of an estate proposed to be administered by him are or probably will be such as to render his duties in relation thereto exceptionally simple or otherwise of an exceptional character, justifying this course, he may, with the previous sanction of Government, remit any part, not exceeding one-half of any prescribed fee.

17. If any expenditure has to be incurred by the Administrator-General in connection with the administration of estates and it cannot be met out of the funds held by him in his personal deposit account (which he is permitted to open under sub-rule (2) of Rule 9), sanction of Government in each case shall be obtained and the amounts sanctioned by Government drawn in ordinary Contingent Bill forms.

If the Government order the recovery of such expenditure from a private party, the recovery shall be made by the Administrator-General and accounted for by him either as an abatement of charge or as revenue under "XXI Administration of Justice—Collection of Payments for services rendered" according as the recovery is made before or after the close of the year in which the expenditure is incurred.

18. The Administrator-General shall maintain a record of all cases in which the properties of estates are kept under the lock and seal of the Administrator-General or left in the custody of a beneficiary or any other person for his use or occupation with or without an undertaking to produce whenever necessary. A register in Form No. 25 shall be kept for the purpose. Such properties shall be checked at least once in a year either by the Administrator-General or the Deputy Administrator-General with the inventory thereof and a certificate to that effect shall be entered in the said register.

19. The Administrator-General may recoup from out of the contingent grant made to his office sums below Rs. 10 at debit of any estate the recovery of which is doubtful or impossible.

FORM No. 1.

Register of Estates Administered.

Serial number	Name of the deceased	Date of death	Date of grant of Probate or Letters of Administration	Provision of Law, Sections 9, 10, 11, 13, 25, 32, or The Army and Air Force (Disposal of private property) Act, 1950	Next of kin or beneficiaries and their addresses	Nature of their interest in the estate	Nature of assets	Estimated value	Liabilities	Disposal		Unclaimed balance, if any
										Nature	Date	
1	2	3	4	5	6	7	8	9	10	11		12

The following instructions should be printed on the covering sheet of the register :

(1) In column 8 'Nature of assets', reference should be given to the corresponding entries in the Assets and Outstanding Register.

(2) In column 11 'Nature of disposal', it should be stated, how the administration was completed, *i.e.*, revocation of grant, handing over the remainder to the beneficiary, transfer to the Official Trustee, etc.

(3) In column 10 reference should be given to the claims register.

Name of the estate.....

FORM No. 2.

Assets Register.

Date of vesting .....

Serial number 1	Nature and description of assets 2	Person in possession and his address 3	When received or reduced into possession 4	Value on the date of petition for grant or on the date of vesting 5	How disposed of and when 6	Amount realised 7	Reference to the volume of relevant register 8

The following instructions should be printed on the covering sheet of the register.—

(1) In column 2—If the assets are a number of movables a consolidated entry 'movables' may be made and in the Sales Register their detailed description should be given.

(2) In column 6—Should be entered 'sold through auctioneers', 'delivered to .....', 'leased.....', as the case may be and the relevant order of Court or any other authority under which the delivery or sale is effected should be noted.

(3) In column 8—The volume and page of the Rent Register, Sales Register, Jewels Register, Outstandings Register, Securities Register, etc., should be given.

FORM No. 3.

Petty Cash Book.

Date	Estate	Name	Receipt			Payment		
1	2	3	4			5		
			Rs.	a.	p.	Rs.	a.	p.

Dr. FORM No. 4. Cr.

General Cash Book.

Date	Receipt Numbers	Particulars of receipt	Estate credited	Ledger folio	Through		Government securities	Other securities		Date	Voucher number	Particulars of payment	Estate debited	Ledger folio	Through			Government securities	Other securities	
					Office	Treasury		Number of shares	Value						Office	Cheque number	Treasury		Number of shares	Value

FORM No. 5.

Ledgers.

Dr. Cr.

Date	Particulars of payment	Other Securities	Government Securities	Cash	Balance	Date	Particulars of receipt	Other Securities	Government Securities	Cash	Balance
		Rs.	Rs.	Rs. a. p.	Rs. a. p.			Rs.	Rs.	Rs. a. p.	Rs. a. p.

FORM No. 6.

Sales Register.

Name of the Estate :

Serial No.	Description of property	Name of auctioneer	Date when sent to auctioneer	Sale price	Expenses of Sale	Net amount received and date	Volume and page of the Assets Register

FORM No. 7.

Register of Outstandings.

Name of the Estate:

Serial number 1	Nature and particulars of debt, *e.g.*, promissory note, mortgages, pledge, etc., date of debt, rate of interest, etc. 2	Amount due for principal and interest 3	Name and address of debtors 4	Date of limitation 5	Action taken 6	Amount realised and date of realisation towards principal and interest			Remarks 10
						Date 7	Principal 8	Interest 9	

NOTE —To be printed on the covering sheet.
This register should contain all book debts, mortgages and promissory notes and loans on pledges, due to an estate.
Under column (6) if a suit is filed, reference to the suit register should be given, if under correspondence with debtors, etc, the current number should be referred to.

FORM No. 8.

Stock Book of Jewels and Trinkets

Name of the Estate:

Serial number	From whom received	Description of jewels, etc.	Approximate value	Date of receipt	Deposit at the Treasury				Delivered to whom, when and authority (Order of Court, etc.)	Signature of the recipient	Remarks
					Date	Treasury receipt	Date of withdrawal	Date of Deposit			

FORM No. 9.

Estate of

Securities Register.

Date of purchase	Loan or description	Number of securities	Amount	Amount of interest payable each half-year			Number of Treasury acknowledgment	Date of realisation of interest or dividends				Remarks.
								Year		Year		
								First half	Second half	First half	Second half	
				Rs.	a.	p.		M. D.	M. D.	M. D.	M. D.	

FORM No. 10.

Estate of

Rent Register for the year.

Door number	Description of property	Name of tenant	Monthly rent			Advance			Arrears			Date of payment of arrears	January	February	March	April	May	June	July	August	September	October	November	December	Balance at the end of the year	Action taken
			Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.															

FORM No. 11.

Register of Suits and Proceedings.

Name of the estate.....

Serial number	Nature of suit (on promissory note, mortgage, etc.)	Name of Advocate for A.G.	Date of filing of suit or proceedings	Number of suit and name of Court	Name of opposite parties and their Advocates	Amount or value of the claim	Particulars of charges incurred	Court-fee, advertisement fee and out-fee, etc.	Date and particulars of decree	Amount decreed	Order for instalment payments		Recovery		Execution						Payments, if any, by A.G.			
											Number	Amount	Amount	Date	Date of filing	Number of E.P.	Charges incurred	Amount claimed in E.P.	Amount realised	Date	Amount			Date
																					Rs.	a.	p.	

FORM No. 12.

Register of Commission and Fees.

Year..... Month.....

Date	Estate or person from whom collected	Ledger folio	Commission			Certificate fee amount	Search and copying fee	Date of credit to Government	Refunds and adjustments
			Rate	Amount on which charged	Amount of commission				

FORM No. 13.

Receipt Book

ORIGINAL

Received from
Rupees
Being the
Office
Station
Dated

Signature and Designation.

DUPLICATE

Received from
Rupees
Being the
Office
Station
Dated

Signature and Designation.

FORM No. 14.

Register of Income-Tax Refunds.

Estate..... .....

Serial Number	Name of the estate	Nature of relief (refund or exemption)	Year for which due	Income returned	Tax deducted	Date of application	Date of refund or exemption certificate	Amount of refund	Date of credit to estate

680

FORM No. 15.

Assessment Register.

Door number	Street	R. S. Number	Municipal annual value	I April to September	II October to March	I April to September	II October to March	I April to September	II October to March	I April to September	Remarks

FORM No. 16.

Name of the Estate.

Vacancy Remission Register.

Sl. No.	Premises	Date of commencement of vacancy	Date of report to the local authority	Date of application for remission	Amount of remission allowed			Date of receipt
					Rs.	a.	p.	

1889

FORM No. 17.

PERIODICAL PAYMENTS REGISTER.

YEAR

Name of the estate	Name of payee and address	Amount payable	Period for which the amount is payable	Advances paid, if any	Mode of payment (by M. O., cheque, cash)	MONTHLY PAYMENTS											
						January	February	March	April	May	June	July	August	September	October	November	December

FORM No. 18

REGISTER OF FOREIGN REMITTANCES.

Date	Name of the estate	Name of payee and address	Amount remitted	Date of remittance	Exchange rate	Amount in foreign currency	Date of payee's acknowledgment

FORM No. 19.

REGISTER OF SANCTIONED ESTIMATES FOR THE YEAR

Sl. No.	Name of the estate	Date of sanction	Particulars of house, door number and street	Nature of work executed	Amount sanctioned	Advance paid, if any, with date	Date of completion	Amount and date of final payment	Name of contractor employed

FORM No. 20.

REGISTER OF HOUSES AND FIXTURES.

Sl. No.	Name of the estate	Description of the property, door number, etc.	List of fixtures and other movables belonging to the estate	List of trees standing on the property	Municipal annual valuation of the property	Half-yearly tax	Rent derived therefrom	When repaired or improved and at what cost (reference to register of estimates)	Approximate value of the property (original value)	Amount of lease of usufruct of trees recoverable from the tenant	Who is to bear the electric current consumption charges and in whose name the deposit stands

FORM No. 21.

Register of Advances.

Serial No.	Name of the estate	To whom advanced	Date of advance	Amount advanced	How recoverable	Amount recovered	Date of recovery	Balance due

FORM No. 22.

Register of Claims.

Serial No.	Date of receipt of claim	Claimants with their particulars and addresses	Amount of claim	Date of admission, or rejection of claim	Amount allowed	Amount paid	When paid	Remarks

FORM No. 23

Register of Certificates issued under Section 31 of the Administrator-General's Act.

Sl. No.	Date of receipt of application	Name and address of applicant	Advocate for applicant	Name of the deceased	Value of assets	Date of grant of certificate	Amount of fee collected	Amount of security (Section 32)	Revocation of grant (Section 36)

FORM No. 24.

Register of Amounts to be transferred to Government.

Serial No. (1)	Name of estate (2)	Date of closing (3)	Date of notification (4)	Amounts unclaimed and persons entitled (5)	Date, amount and person to whom paid, if any (6)	Date of transfer to Government (7)

FORM No. 25

Register of properties locked and sealed or left in the Custody of Beneficiaries.

Name of the estate 1	Description of the properties 2	Premises or persons in which or whose custody left 3	Date of sealing or handing over 4	Date and initials of the officer checking 5	Remarks 6

STATEMENT "A"

Abstract of cash and Government and other securities received and paid during the year ending.....19

Particulars	With the Bangalore District Treasury		State Huzur Treasury			With the Administrator-General				
	Government Securities	Other Securities	Cash			Government Securities	Other Securities	Cash		
Balance on 31st March 19 ...	Rs.	Rs.	Rs.	a.	p.	Rs.	Rs.	Rs.	a.	p.
Add—										
Receipts from 1st April 19 . to 31st March 19										
Total ...										
Deduct—										
Payments from 1st April to 31st March 19 .										
Balance ...										

STATEMENT "B".

Administrator-General's balance for the year ending.....19

Assets	Government Securities	Other Securities	Cash			Liabilities	Government Securities	Other Securities	Cash		
	Rs.	Rs.	Rs.	a.	p.		Rs.	Rs.	Rs.	a.	p
Total ...											

STATEMENT "C".

Abstract of commission account of the Administrator-General for the year ending.....

Month	Gross Commission			Fees for Certificates (Rule II) (2)			Inspection and copying fees			Total Receipts			Writeback and miscellaneous charges			Net income		
	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
Total ...																		

250

887

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STATEMENT 'D'.

Statement showing particulars of assets remaining in the hands of the Administrator-General for twelve years or upwards which have to be finally credited to Government.

Estate	Date of administration	Date of closing	Amount		
			Rs.	a.	p.
		Total ...			

STATEMENT 'E'.

Statement of remitances to foreign countries during the year ending for which acknoledgments have not been received.

Estate	Date of remittance	Amount		
		Rs.	a.	p.
	Total ...			

STATEMENT 'F'.

Statement showing sums below Rs. 10 in amount at credit of different estates for which there are no claimants.

Estate	Date of closing	Amount		
		Rs.	a.	p.
	Total ...			

STATEMENT 'G'.

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Statement showing sums below Rs. 10 in amount at debit of different estates the recovery of which is hopeless.

Name	Date of Administration	Amount		
		Rs.	a.	p.
	Total ...	—	—	—

STATEMENT 'H'.

Statement showing sums above Rs. 10 in amount at debit of estates the recovery of which is hopeless.

Name	Date of Administration	Amount		
		Rs.	a.	p.
	Total ...	—	—	—

STATEMENT 'I'.

Memorandum of law costs for the year ending 19 .

Number	Name of estate	Date of payment			Amount	To whom paid
		Rs.	a.	p		
		—	—	—		

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STATEMENT 'K'.

Statement showing cash balances of Rs. 500 and upwards on the.....with reasons for non-investment.

Estates	Amount			Remarks
	Rs.	a.	p.	

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION. 691

No. 1449—Cts. 76-52-1, dated Bangalore, 27th June 1952.

In exercise of the powers conferred by section 30 of the Official Trustees Act, 1913 (Central Act No. II of 1913), His Highness the Maharaja of Mysore is pleased to make the following rules, namely :—

1. These rules may be called the Official Trustees (Mysore) Rules, 1952.

2. (1) The Official Trustee shall charge in respect of all trust properties transferred to or vested in him under the Official Trustees Act, 1913 (hereinafter referred to as the Act)—

(i) On all capital moneys and on the capital value of all other properties and securities of any kind whatsoever, constituting the corpus of the trust received by him, a fee according to the following scale, subject to a minimum of ten rupees :—

	Per cent.
On estates of a value not exceeding one lakh of rupees	Two
On estates of a value exceeding one lakh but not exceeding two lakhs of rupees—	
On the first lakh	Two
On the remainder	One and a half.
On estates of a value exceeding two lakhs of rupees—	
On the first lakh	Two
On the second lakh	One and a half.
On the remainder	One

(ii) On all sums received by him by way of interest or dividends in respect of moneys invested and on all rents and profits collected by him, a fee of 5 per cent subject to the following minimum :—

Where the income does not exceed twenty rupees per half year.	One rupee per half year.
Wher the income exceeds twenty rupees but does not exceed fifty rupees per half year.	Two rupees and eight annas per half year.
Where the income exceeds fifty rupees but does not exceed seventy-five rupees per half year.	Three rupees and twelve annas per half year.
Where the income exceeds seventy-five rupees but does not exceed one hundred rupees per half year.	Five rupees per half year.

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(iii) On all capital moneys or trust funds invested by him including the purchase or sale of immovable property or any investment by way of mortgage, a fee of one-fourth per cent on the amount of the investment or the value of any property purchased or sold, such fee being realised from the income of the beneficiary requiring a change of investment and not from the gross value of the trust.

(2) If in any case it appears to the Official Trustee that the circumstances of a trust are, or probably will be, such as to render his duties in relation thereto exceptionally simple or otherwise of an exceptional character justifying this course, he may, with the previous sanction of the State Government remit the whole or any part of the prescribed fee.

(3) When in the opinion of the Official Trustee the income of any trust is not liable to serious fluctuations, he may, with the previous sanction of the State Government from time to time charge [in lieu of the fee other than the fee on capital payable in pursuance of sub-rule (1)] a fixed half-yearly fee of such amount as may be reasonable.

(4) The capital value of immovable properties, for purpose of levying commission shall be fifteen times the annual gross rentals derived from the said properties on the date when the Official Trustee takes possession of the said properties.

(5) For purposes of levying commission the movables shall be valued by the Official Trustee at the time he takes possession of them.

(6) Commission on interest realised from securities shall be levied on the net amount collected by the Official Trustee in the course of administration.

3. (1) All fees and commission leviable under these rules except those chageable to a trust under the charge of the Official Trustee shall be payable to him in advance by the person liable to pay the same.

(2) All fees and commissions collected by the Official Trustee under the provisions of these rules shall be paid by him on or before the 20th of the month following that in which they are realised, into the State Huzur Treasury, Bangalore, to the credit of the Government:

Provided that the Official Trustee may make refunds of fees and commission overcharged from the fees and commission collected by him under the provisions of these rules.

(3) Any sum payable as commission or fees in pursuance of these rules shall be taken to the nearest anna, *i.e.*, any sum from six pies to eleven pies shall be charged as one anna and any sum less than six pies shall be remitted.

4. The Official Trustee shall keep the following and such other registers as may be prescribed from time to time by Government :—

Sl. No.	*Description*	*Form No.*
1.	Register of Trusts in charge of the Official Trustee ...	1
2.	Register of Assets in each estate	2
3.	Petty Cash Book showing in separate columns the receipts of cash, cheques, dividend-warrants, etc. and also payments of the same through the office to be balanced	3
4.	General Cash Book showing in separate columns every receipt and payment through the office and every receipt and payment through the treasury, of cash, cheque, dividend-warrants, Government and other securities, etc., the dates of receipt and payment and voucher number for each such payment ...	4
5.	Ledger in which shall be entered the account current with each separate estate showing the detailed debit and credit items and every transaction whether in cash, Government or other securities ...	5
6.	Register of sales of movable and immovable properties.	6
7.	Register of outstandings in which shall be entered all the outstandings due to an estate in the shape of book debts, promissory notes, mortgages, pledges, etc. ...	7
8.	Stock book of jewellery, trinkets and other valuables belonging to each estate	8
9.	Register of Government and other securities belonging to each estate	9
10.	Register of rents and lease amounts collected from immovable properties	10
11.	Register of suits and proceedings to which Official Trustee is a party	11
12.	Register of commission and fees collected and credited to Government monthly	12
13.	Receipt Book	13
14.	Income-tax Refund Register in which shall be entered all particulars regarding applications made to Income-tax Officers concerned or refund of income-tax deducted and particulars of all refunds realised ...	14

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Sl. No.	Description	Form No.
15.	Assessment Register in which shall be entered particulars of all taxes, quit-rents, kists, etc., paid in respect of immovable properties	15
16.	Vacancy Remission Register in which shall be entered all particulars in respect of applications made to the Bangalore City Corporation, Mofussil Municipalities or Local Authorities for remission of tax, etc., on the ground of vacancy ...	16
17.	Periodical Payments Register in which shall be entered particulars of all payments made to beneficiaries, etc., periodically	17
18.	Register of Foreign Remittances in which shall be entered all payments made to beneficiaries and other parties resident in those countries	18
19.	Register of Sanctioned Estimates in which shall be entered all particulars regarding estimates sanctioned by the Official Trustee	19
20.	Register of Buildings and Fixtures in which shall be entered particulars of all house properties, particulars of fixtures and movables belonging to each building, repairs and improvements effected to each building and the value thereof	20
21.	Register of Advances in which shall be entered particulars regarding advances made and their recoveries or adjustments	21
22.	Register of Amounts to be transferred to Government	22
23.	Register of Properties locked and sealed or left in the custody of beneficiaries	23

5. (1) The Official Trustee shall, evey year, on or before the 1st day of September, deliver to the Government a true schedule showing the gross amount of all sums of money and all bonds or other securities received or paid or delivered by him on account of each trust of which he is the trustee and the balances during the year ending on the thirty-first day of March next before the day of delivering such schedule and a true schedule of all trusts which shall have come to an end or of which the Official Trustee shall have ceased to be the trustee and the property subject to which shall have been paid or made over to the persons entitled to the same or to new trustees during the same period specifying the nature and amount or value of such property and the persons to whom the same has been paid or made over.

(2) The Official Trustee shall be entitled to the payment of such fee as the State Government may prescribe from time to time for the preparation of the

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yearly schedules under the last preceding rule in addition to the cost of printing the same.

6. (1) The accounts and schedules of the Official Trustee shall be audited every year and the Controller, State Accounts Department, Bangalore, shall from time to time appoint an auditor or auditors to examine the accounts and schedules of the Official Trustee.

(2) The auditor or auditors shall submit to the State Government together with the audit report a statement of the accounts in the forms specified below :—

(i) Abstract of cash and Government or other securities received and paid during the year (Statement A).

(ii) Official Trustee's balance for the year (Statement B).

(iii) Abstract of the Official Trustee's commission account for the year (Statement C).

(iv) Statement of cash balances of Rs. 500 and upwards on the last day of the year with reasons for non-investment (Statement D).

(3) The Controller, State Accounts Department, Bangalore, shall be entitled to a remuneration at the rate of seven annas per cent on the value of the transactions in each trust estate except in cases in which a fixed fee is payable by agreement with the approval of the State Government, for his services in connection with each yearly audit. The said remuneration shall be defrayed by all the trust estates as aforesaid provided that the mere conversion of securities into cash and *vice versa* or a mere change of security shall not be deemed to be a transaction for the purpose of this sub-rule.

(4) (*a*) The fee due to the Official Trustee under sub-rule (2) of Rule 5 for the preparation of the yearly schedules together with the costs and expenses of printing them, shall be defrayed by all the trust estates except in cases in which a fixed fee is payable by agreement with the approval of the State Government in proportion to the value of the transactions in each estate, provided that the mere conversion of securities into cash and *vice versa* or a mere change of securities shall not be deemed to be a transaction for the purposes of this clause.

(*b*) The remuneration of the Controller, State Accounts Department, Bangalore, under sub-rule (3) and the proportion of the fee of the Official Trustee under

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clause (*a*) of this sub-rule shall be ascertained and settled by the auditor or auditors and shall be paid out of the trust estates accordingly by the Official Trustee.

(5) When a trust estate is about to be closed, the Official Trustee may call upon the auditor or auditors to ascertain and fix a definite sum to be retained by the Official Trustee to defray the costs and expenses referred to in sub-rule (4) *supra* in respect of the estate in question. The sum thus fixed by the auditor or auditors shall be treated as the proportion of the above charges to be contributed by the trust estate in question. The sum so fixed shall be immediately transferred to a separate account called "The closed estates audit, etc., charges account" and appropriated towards the audit charges, fees for preparation of and the charges for printing the schedules when they become payable.

7. (1) No person shall be entitled to inspect the accounts relating to a trust and the reports and certificates of the auditor relating thereto, without first satisfying the Official Trustee that he is a beneficiary under the trust:

Provided that nothing hereinbefore contained shall preclude the Official Trustee from refusing inspection of documents and papers of a confidential nature, and the decision of the Official Trustee in this respect shall be final.

(2) Every beneficiary desiring such inspection shall, at least one clear day before the day on which he desires inspection, apply in writing to the Official Trustee setting forth the following particulars:—

(*a*) His name and address;
(*b*) The name of the trust as to which inspection is desired;
(*c*) The nature of his interest in such trust;
(*d*) The day on which he desires inspection;

He shall also deposit with the application a minimum fee of one rupee which shall be refunded to the applicant in case inspection is not granted.

(3) The Official Trustee shall, after being satisfied as to the interest of the applicant in the trust or matter in question and also as to his *bona fides*, appoint an hour on the day named in the application for inspection by the applicant under such supervision as he thinks fit. If for any sufficient reason inspection cannot be granted on the day named by the applicant, the Official Trustee shall appoint some other hour and day convenient to the applicant.

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(4) A fee calculated at the rate of one rupee for every half hour or fraction thereof shall be paid by the applicant in respect of every such inspection as relates to trust estates which have not been closed in the hands of the Official Trustee. The fee for such inspection in respect of closed trust estates shall be calculated at the rate of two rupees for every half hour or fraction thereof.

(5) No person shall be entitled to obtain copies of or extracts from the said accounts, certificates and reports of the auditor unless he is a person entitled to inspection thereof:

Provided that nothing hereinbefore contained shall preclude the Official Trustee from refusing grant of copies of documents and papers of a confidential nature, and the decision of the Official Trustee in this respect shall be final.

(6) A fee calculated at the rate of four annas per folio of 72 words subject to a minimum of one rupee shall be levied in respect of every copy or extract granted, and if any such copy or extract is required to be certified by the Official Trustee as a true copy, an additional fee of one rupee shall be levied.

8. (1) Whenever owing to doubts or disputes as to the person or persons beneficially entitled or for any other cause, there shall remain in the hands of the Official Trustee a cash balance of Rs. 500 or more belonging to any trust estate, he shall, without delay, in the absence of any directions in this respect in the deed or other declaration of trust, invest the same in Government securities or in any of the securities in which trustees are authorised to invest by the provisions of the Indian Trusts Act, 1882 (II of 1882), for the time being in force, save and except that no investment on mortgage of immovable property shall be made by the Official Trustee without the previous sanction of the High Court.

(2) The Official Trustee shall procure that all Government and other securities which may be issued, delivered or transferred to him on account of any trust estate, whether by endorsement or otherwise, shall be issued, delivered or transferred in the name of his office.

(3) The Official Trustee shall not at any time retain in his keeping a larger sum in cash than Rs. 300. The fees and commissions realised by the Official Trustee should be credited to the head "XXI. Administration of Justice—Miscellaneous Fees and Fines" and the charges on

account of the Official Trustee and his establishment debited to the head "27 Administration of Justice—Administrator-General and Official Trustee." For the receipts and payments arising out of the administration of the trust estates and properties a personal deposit account may be opened in the name of the Official Trustee for the Mysore State in the State Huzur Treasury.

(4) All Government securities, bank, railway or other shares and debenture coming into the Official Trustee's charge shall forthwith be lodged by him in the District Treasury, Bangalore, for safe custody, except in cases in which it may be necessary for him to retain them temporarily for any purpose.

(5) All jewellery, trinkets and other valuable articles coming into the possession of the Official Trustee shall forthwith be lodged for safe custody in the District Treasury, Bangalore, except in case in which it may be necessary for the Official Trustee to retain them temporarily for any purpose.

9. Remittances to foreign countries of sums of money payable or belonging to persons resident in those countries shall be made by purchasing bills of exchange payable on demand drawn by the Bank of Mysore, Ltd., Bangalore.

10. (1) When the administration of a trust is completed as far as it is possible and the accounts of the trust have been closed and audited, and no claim thereto has been put forward, the fact of such completion and closure shall be notified in the local official Gazette with the particulars of the amounts remaining unclaimed and if ascertainable, the names of the person or persons *prima facie* entitled to the same. The notice shall further state that the amounts shall be transferred to Government if they are not claimed within a period of twelve years from the date of the notification. The period of twelve years prescribed under Section 23 of the Official Trustee's Act, 1913, shall be reckoned from the date of such notification.

(2) All moneys transferable to the credit of Government under Section 23 of the Act shall be paid to its credit into the State Huzur Treasury, by the Official Trustee.

(3) Any person claiming payment of the same under the provisions of sub-section (1) of Section 24 of

the Act, shall establish his claim to the satisfaction of Government.

11. The Official Trustee may accept any trust intended for the safeguarding and investment of the property of a religious institution or of a commercial undertaking or for the protection of the interests of the creditors of such institution or undertaking provided that he shall not be liable to see that the proper performances or carrying out of the objects of such religious or charitable institution or to see to the proper management or carrying on of the business of such commerical undertaking.

12. Notification of the contents of a will under Section 9 of the Act shall be made by forwarding to the Official Trustee either the original will or the probate copy of the same or the copy of the letters of administration with the copy of the will annexed.

13. The Official Trustee may, after closing the accounts of any trust in his hands, destroy any private papers, bills, receipts, memoranda and other similar documents of no value which he has received along with the trust and which are not claimed by the beneficiaries, or any other persons entitled thereto, within three months after such closing has taken place.

14. Without the sanction of the State Government the Official Trustee shall not enter upon any litigation in connection with an estate in his charge the expenses of which are likely to exceed the assets of the estate already in his hands, unless he is properly and sufficiently indemnified against such expenses.

Explanation.—By 'proper and sufficient indemnity' is meant indemnity sufficient to cover all probable costs and consisting in the deposit of Government securities, cash or jewels to an amount to be determined by the Official Trustee.

15. The Official Trustee may advance such amounts as he thinks fit to the estate clerks and agents employed by him for incurring contingent expenditure. The amount of the advance shall be regulated with reference to the amount of security furnished by the clerk or agent concerned and accounted for so as to conform to the principles contained in Mysore Civil Accounts Code.

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16. The Official Trustee shall maintain a record of all cases in which the properties of trusts are kept under the lock and seal of the Official Trustee or left in the custody of a beneficiary or any other person for his use or occupation with or without an undertaking to produce whenever necessary. A register in Form No. 23 shall be kept for the purpose. Such properties shall be checked at least once in a year either by the Official Trustee or the Deputy Official Trustee with the inventory thereof and a certificate to that effect shall be entered in the said register.

17. The Official Trustee may recoup from out of the contingent grant made to his office, sums below Rs. 10 at debit of any trust, the recovery of which is doubtful or impossible.

18. The Deputy Official Trustee if empowered in this behalf by the Official Trustee may sign on behalf of the Official Trustee the receipts issued for moneys, cheques and other valuables received in the said office.

FORM No. 1.

REGISTER OF TRUSTS.

Serial Number	Name of the trust	Date of Will, Order of Court, etc.	Nature and amount of Trust funds or property	Disposition of the same	Person or persons to whom the income is payable	Person or persons entitled to the remainder	Rate of Official Trustee's Commission	Remarks
1	2	3	4	5	6	7	8	9

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Name of the estate..... FORM No. 2. Date of vesting.....

ASSETS REGISTER.

Serial number	Nature and description of assets	Person in possession and his address	When received or reduced into possession	Value on the date of petition for grant or on the date of vesting	How disposed of and when	Amount realised	Reference to the volume of relevant register
1	2	3	4	5	6	7	8

The following instructions should be printed on the covering sheet of the register.—

(1) In column 2—If the assets are a number of movables a consolidated entry 'movables' may be made and in the Sales Register their detailed description should be given.

(2) In column 6—Should be entered 'sold through auctioneers', 'delivered to.....', 'leased..... .....', as the case may be and the relevant order of Court or any other authority under which the delivery or sale is effected should be noted.

(3) In column 8—The volume and page of the Rent Register, Sales Register, Jewels Register, Outstandings Register, Securities Register, etc., should be given.

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FORM No. 3.

PETTY CASH BOOK.

Date	Estate	Name	Receipt			Payment		
1	2	3	4			5		
			Rs.	a.	p.	Rs.	a.	p.

Dr. Cr.

FORM No. 4.

GENERAL CASH BOOK.

Date	Receipt numbers	Particulars of receipts	Estate credited	Ledger folio	Through		Government securities	Other securities		Date	Voucher number	Particulars of payment	Estate debited	Ledger folio	Through			Government Securities	Other Securities	
					Office	Treasury		Number of shares	Value						Office	Cheque number	Treasury		Number of shares	Value

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FORM No. 5.

Dr. **Ledgers.** Cr.

Date	Particulars of payment	Other Securities	Government Securities	Cash			Balance			Date	Particulars of receipt	Other Securities	Government Securities	Cash			Balance		
		Rs.		Rs.	a.	p.	Rs.	a.	p.			Rs.		Rs.	a.	p.	Rs.	a.	p.

FORM No. 6.

Name of the Estate : **Sales Register.**

Serial No.	Description of property	Name of auctioneer	Date when sent to auctioneer	Sale price	Expenses of sale	Net amount received and date	Volume and page of the Assets Register

FORM No. 7.

Name of the Estate

Register of Outstandings.

Serial No.	Nature and particulars of debt, *e.g.*, promissory note, mortgage, pledge, etc., date of debt, rate of interest, etc.	Amount due for principal and interest	Name and address of debtors	Date of limitation	Action taken	Amount realised and date of realisation towards principal and interest			Remarks
						Date	Principal	Interest	
1	2	3	4	5	6	7	8	9	10

NOTE.—to be printed on the covering sheet:
This register should contain all book debts, mortgages, and promissory notes and loans on pledges, due to an estate.
Under colum (6) if a suit is filed, reference to the suit register should be given, if under correspondence with debtors, etc., the current number should be referred to.

FORM No. 8.

Name of the Estate :

Stock Book of Jewels and Trinkets.

Serial No.	From whom received	Description of jewels, etc.	Approximate value	Date of receipt	Deposit at the Treasury				Delivered to whom, when and authority (Order of Court, etc.)	Signature of the recipient	Remarks
					Date	Treasury receipt	Date of withdrawal	Date of Deposit			

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FORM No. 9.

Estate of

SECURITIES REGISTER.

Date of purchase	Loan or description	Number of securities	Amount			Amount of interest payable each half-year			Number of Treasury acknowledgment	Date of realisation of interest or dividends								Remarks
										Year				Year				
										First half		Second half		First half		Second half		
			Rs.	a.	p.	Rs.	a.	p.		M.	D.	M.	D.	M.	D.	M.	D.	

FORM No. 10.

Estate of

RENT REGISTER FOR THE YEAR.

Door number	Description of property	Name of tenant	Monthly rent			Advance			Arrears			Date of payment of arrears	January	February	March	April	May	June	July	August	September	October	November	December	Balance at the end of the year	Action taken
			Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.															

Name of the estate.....

REGISTER OF SUITS AND PROCEEDINGS.

Serial No.	Nature of suit (on promissory note, mortgage, etc.)	Name of advocate for O.T.	Date of filing of suit or proceedings	Number of suit and name of Court	Name of opposite parties and their advocates	Amount or value of the claim	Particulars of charges incurred	Court-fee, advertisement fee and out-fee, etc.	Date and particulars of decree	Amount decreed	Order for instalment payments		Recovery		Execution						Payments, if any, by O.T.			
											Number	Amount	Amount	Date	Date of filing	Number of E. P.	Charges incurred	Amount claimed in E. P.	Amount realised	Date	Amount			Date
																					Rs.	a.	p.	

FORM No. 12.

Year.....

REGISTER OF COMMISSION AND FEES.

Month.....

Date	Estate or person from whom collected	Ledger folio	Commission			Certificate fee amount	Search and copying fee	Date of credit to Government	Refunds and adjustments
			Rate	Amount on which charged	Amount of commission				

FORM No. 13.

Receipt Book

ORIGINAL	DUPLICATE
Received from	Received from
Rupees	Rupees
Being the	Being the
Office	Office
Station	Station
Dated	Dated
Signature and Designation.	*Signature and Designation.*

FORM No. 14.

Estate..... ..... Register of Income-Tax Refunds.

Serial Number	Name of the estate	Nature of relief (refund or exemption)	Year for which due	Income returned	Tax deducted	Date of application	Date of refund or exemption certificate	Amount of refund	Date of credit to estate

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FORM No. 15.

Assessment Register.

Door number	Street	R. S. Number	Municipal annual value	I April to September	II October to March	I April to September	II October to March	I April to September	II October to March	I April to September	Remarks

FORM No. 16.

Name of the Estate

Vacancy Remission Register.

Sl. No.	Premises	Date of commencement of vacancy	Date of report to the local authority	Date of application for remission	Amount of remission allowed			Date of receipt
					Rs.	a.	p.	

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FORM No. 17.

Periodical Payments Register.

YEAR

Name of the estate	Name of payee and address	Amount payable	Period for which the amount is payable	Advances paid, if any	Mode of payment (by M.O., cheque, cash)	MONTHLY PAYMENTS											
						January	February	March	April	May	June	July	August	September	October	November	December

FORM No. 18.

Register of Foreign Remittances.

Date	Name of the estate	Name of payee and address	Amount remitted	Date of remittance	Exchange rate	Amount in foreign currency	Date of payee's acknowledgment

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FORM No. 19.

Register of Sanctioned Estimates for the Year.

Sl. No.	Name of the estate	Date of sanction	Particulars of house, door number and street	Nature of work executed	Amount sanctioned	Advance paid, if any with date	Date of completion	Amount and date of final payment	Name of contractor employed

FORM No. 20.

Register of Houses and Fixtures.

Sl. No.	Name of the estate	Description of the property, door number, etc.	List of fixtures and other movables belonging to the estate	List of trees standing on the property	Municipal annual valuation of the property	Half-yearly tax	Rent derived therefrom	When repaired or improved and at what cost (reference to register of estimates)	Approximate value of the property (original value)	Amount of lease or of usufruct of trees recoverable from the tenant	Who is to bear the electric current consumption charges and in whose name the deposit stands

FORM No. 21.

Register of Advances.

Serial No.	Name of the estate	To whom advanced	Date of advance	Amount advanced	How recoverable	Amount recovered	Date of recovery	Balance due

FORM No. 22.

Register of amounts to be transferred to Government.

Serial No.	Name of estate	Date of closing	Date of notification	Amounts unclaimed and persons entitled	Date, amount and person to whom paid, if any	Date of transfer to Government

FORM No. 23.

Register of properties locked and sealed or left in the custody of Beneficiaries.

Name of the estate	Description of the properties	Premises or persons in which or whose custody left	Date of sealing or handing over	Date and initials of the Officer checking	Remarks

STATEMENT "A".

Abstract of cash and Government and other securities received and paid during the year ending 19 .

Particulars	With the Bangalore District Treasury		State Huzur Treasury			With the Administrator-General				
	Government Securities	Other Securities	Cash			Government Securities	Other Securities	Cash		
	Rs.	Rs.	Rs.	a.	p.	Rs.	Rs.	Rs.	a.	p.
Balance on 31st March 19 ...										
Add—										
Receipts from 1st April 19 to 31st March 19 .										
Total ...										
Deduct—										
Payments from 1st April 19 to 31st March 19 .										
Balance ...										

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STATEMENT "B".

Administrator-General's balance for the year ending 19 .

Assets	Government Securities	Other Securities	Cash			Liabilities	Government Securities	Other Securities	Cash		
	Rs.	Rs.	Rs.	a.	p.		Rs.	Rs.	Rs.	a.	p.
Total											

STATEMENT "C".

Abstract of the Official Trustee's commission account for the year ending 19 .

Months for which due	Commission on trusts
	Rs.

STATEMENT "D".

Statement of cash balances of Rs. 500 and upwards on the.....with reason for non-investment.

Trust estates	Amount			Remarks
	Rs.	a.	p.	

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Secretary to Government,
Law Department.

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NOTIFICATION.

No. S.D. 2401—C. 86-51-26, dated Bangalore, 7th July 1952.

In exercise of the powers conferred by sub-section (1) of Section 3 of the Essential Supplies (Temporary Powers) Act, 1946, (Central Act XXIV of 1946) read with the Government of India's (Ministry of Food) Notification No. S.R.O. 703, dated 4th October 1950, subject to the concurrence of the Government of India and in partial modification of Government Notification No. S.D. 144—C. 86-51-19, dated 9th April 1952, and in supersession of Government Notification No. S.D. 1034—C. 86-51-35, dated 15th May 1952, His Highness the Maharaja is pleased to revise and fix the sale price of wheat in the Mysore State at three seers per rupee with immediate effect.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Chief Secretary.

NOTIFICATION.

No. L.S. 1652—L.W. 93-52-8, dated Bangalore, 7th July 1952.

In pursuance of the Proviso to Rule 4 of the Welfare Officers (Recruitment and Conditions of Service) Rules, 1951, His Highness the Maharaja of Mysore is pleased to relax the qualifications mentioned in clause (*b*) of Rule 4 of the said Rules in the case of Sri A. V. Andrade, B.Sc., Labour Welfare Officer, the Mysore Spinning and Manufacturing Co., Ltd., Bangalore.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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NOTIFICATION.

No. T. 1368—R.T. 20-52-3, dated Bangalore, 30th June 1952.

In exercise of the powers conferred by Section 10 of the Mysore Motor Vehicles Taxation and Tolls Act, 1951 (Act XII of 1951), His Highness the Maharaja is pleased to direct that the Thoravanda Check-gate in Sorab Taluk be abolished.

By Order of His Highness the Maharaja,

M. S. SWAMINATHAN,
Secretary to Government,
Revenue Department.

NOTIFICATION.

No. T. 1389—R.T. 11-52-7, dated Bangalore, 3rd July 1952.

In exercise of the powers conferred by Rule 425 of the Mysore Motor Vehicles and Road Traffic Rules, 1945, His Highness the Maharaja of Mysore is pleased to direct that the Motor Vehicle bearing engine No. S. B. 3578 and Chassis No. S. B. 2622 belonging to Messrs. The Bangalore Transport Co., Ltd., be exempted from the operation of Rule 359 of the said Rules, subject to the conditions that the overall length of the vehicle shall not exceed 27 feet and that the vehicle shall not ply on any route or road other than the straight routes and roads indicated below:

1. City Market—Kengeri Route :—in Bangalore-Mysore Road.

   Kalasipalyam Bus Stand
   Kalasipalyam Main Road
   City Market Oval
   Mysore Road *via* Electric Factory and on to Kengeri.

2. Majestic—Blackpally Route.

   Blackpally Bus Stand
   Tasker Avenue Road
   Queen's Road
   General Post Office Road
   Krishnarajendra Circle
   Mysore Bank Circle *via* Central College Road
   Kempegowda Road and Majestic Bus Stand.

3. Hospital Town—Blackpally Route.

Blackpally Bus Stand
Tasker Avenue Road
Queen's Road up to Cubbon Park Police Station
Sidney Road *via* Museum
Hudson Circle
District Office Road *via* Hudson Memorial
Kempegowda Road and Majestic Circle
Subedarchatram Road *via* Venkataranga Iyengar Road up to Tata Institute
Jalahally Road (East and West area, Hospital Town).

By Order of His Highness the Maharaja,

M. S. SWAMINATHAN,
Secretary to Government,
Revenue Department.

NOTIFICATION.

ERRATUM.

No. T. 1405—R.T. 4-52-24, dated Bangalore, 5th July 1952.

For "Sri Rudrappa" appearing in Notification No. T. 591—R.T. 4-52-19, dated the 8th May 1952, published in Part-IV, Section 2(c) at pages 192 and 193 of the *Mysore Gazette*, dated the 15th May 1952, *read* "Sri J. C. Rudrappa".

By Order of His Highness the Maharaja,

M. S. SWAMINATHAN,
Secretary to Government,
Revenue Department.

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BANGALORE, FRIDAY, JULY 11, 1952.

PART IV.

Section 2-A

MYSORE BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

MYSORE LEGISLATURE.

NOTIFICATION.

No. 4682—L.A. dated Bangalore, 11th July 1952.

As required by rule 69 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly the following report of the Select Committee on the Mysore Court Fees (Amendment) Bill, 1952, with the amended Bill, is hereby published.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

MYSORE LEGISLATIVE ASSEMBLY

BUDGET SESSION, 1952. 720

REPORT OF THE SELECT COMMITTEE ON THE MYSORE COURT FEES (AMENDMENT) BILL, 1952.

(*Presented on the 9th July 1952.*)

We, the members of the Select Committee to which the Mysore Court Fees (Amendment) Bill, 1952, was referred, have considered the several Clauses of the Bill and have the honour to submit the following report:—

Clause 2.—We are of the opinion that the increase in Court Fee resulting from the proposed amendment would be considerable and would work as a great hardship on litigants. On the other hand, we recognise that the present basis of valuation is too low in the present conditions. We therefore recommend that to the proviso proposed to Section 4, paragraph (v) another proviso may be added as follows:—

"Provided further that when the value of land so determined exceeds twenty times the revenue payable on the land, the value shall be limited, for the purposes of this paragraph, to twenty times the said revenue."

As these provisos would apply only to paragraph (v) A of Section 4, we recommend that for the figure, brackets and word 'paragraph (v)' the figure, brackets, word and letter 'paragraph (v)A' may be substituted.

The Bill was published in the *Mysore Gazette* Extraordinary dated the 19th June 1952. In our opinion the Bill has not been so altered as to require circulation.

A. G. RAMACHANDRA RAO
(*Chairman*)
K. PATTABHI RAMAN
K. PUTTASWAMY
B. T. KEMPA RAJ
V. MASIYAPPA
B. P. NAGARAJA MURTHY
H. S. RUDRAPPA.

BANGALORE,
8th July 1952.

[As amended by the Select Committee.] 724

(Words underlined or sidelined indicate the amendments suggested by the Committee.)

THE MYSORE COURT FEES (AMENDMENT) BILL, 1952.

A Bill further to amend the Mysore Court Fees Act, 1900.

Whereas it is expedient further to amend the Mysore Court Fees Act, 1900 (Mysore Act III of 1900), for the purposes hereinafter appearing ; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Court Fees (Amendment) Act, 1952. Short title and commencement.

(2) It shall come into force on the first day of August 1952.

2. To paragraph (v) A of section 4 of the Mysore Court Fees Act, 1900 (hereinafter referred to as the principal Act), the following proviso shall be added, namely :— Amendment of section 4 of Mysore Act III of 1900.

"Provided that if rules are framed under section 3 of the Mysore Suits Valuation Act, 1951 (Mysore Act XXXIX of 1951), for determining the value of land for the purposes of jurisdiction, the value so determined shall be deemed to be the value of the land for the purposes of this paragraph :

Provided further that when the value of land so determined exceeds twenty times the revenue payable on the land, the value shall be limited, for the purposes of this paragraph, to twenty times the said revenue."

3. In Schedule I to the principal Act— Amendment of Schedule I to Mysore Act III of 1900.

(*a*) For Article 1, the following Articles shall be substituted, namely—

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Number.	"Ad valorem Fees.	Proper fee.
	When the amount or value of the subject matter in dispute does not exceed five rupees.	Eight annas.
	When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees, up to one hundred rupees.	Nine annas.
	When such amount or value exceeds one hundred rupees, for every ten rupees or part thereof, in excess of one hundred rupees, up to one thousand rupees.	One rupee and two annas.
	When such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof in excess of one thousand rupees, up to five thousand rupees.	Seven rupees and eight annas.
	When such amount or value exceeds five thousand rupees, for every two hundred and fifty rupees, or part thereof in excess of five thousand rupees, up to ten thousand rupees.	Fifteen rupees
1. Plaint or written statement pleading a set off or counter claim or memorandum of appeal (not otherwise provided for in this Act) presented to any Civil or Revenue Court.	When such amount or value exceeds ten thousand rupees, for every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees.	Twenty-two rupees and eight annas.
	When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees up to thirty thousand rupees.	Thirty rupees.

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Ad valorem Fees.	*Proper Fee.*	*Number.*
When such amount or value exceeds thirty thousand rupees, for every two thousand rupees or part thereof, in excess of thirty thousand rupees up to fifty thousand rupees.	Thirty rupees.	
When such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof, in excess of fifty thousand rupees.	Thirty rupees.	
When the amount or value of the subject matter in dispute does not exceed five rupees.	Six annas.	I A. Plaint or written statement pleading a set-off or counter claim presented to any court in any suit of the nature cognizable by Courts of Small Causes when the amount or value of the subject matter does not exceed rupees five hundred.
When such amount or value exceeds five rupees, for every five rupees or part thereof in excess of five rupees up to one hundred rupees.	Six annas.	
When such amount or value exceeds one hundred rupees, for every ten rupees or part thereof in excess of one hundred rupees, up to five hundred rupees.	Twelve annas.	

(*b*) For Articles 11 and 12 the following Articles shall be substituted, namely :—

"When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees but does not exceed five thousand rupees.	Two per centum on such amount or value.	

Number.	Ad valorem Fees	Proper Fee.
	When such amount or value exceeds five thousand rupees, on the portion of such amount or value in excess of five thousand rupees, up to fifty thousand rupees.	Three per centum on such amount or value.
11. Probate of a will or letters of administration with or without will annexed.	When such amount or value exceeds fifty thousand rupees, on the portion of such amount or value in excess of fifty thousand rupees, up to one lakh of rupees.	Four per centum on such amount or value.
	When such amount or value exceeds one lakh of rupees, on the portion of such amount or value in excess of one lakh of rupees.—	Five per centum on such amount or value.
	Provided that when, after the grant of a certificate under Part X of the Indian Succession Act, 1925, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of fee paid in respect of the former grant.	
	When the amount or value of the debts or securities specified in the certificate under section 374 of the Act does not exceed five thousand rupees.	Two per centum on such amount or value, and three and a half per centum on the amount or value of the debts or securities to which the certificate is extended under section 376 of the Act.
	When such amount or value exceeds five thousand rupees, on the portion of such amount or value in excess of five thousand rupees, up to fifty thousand rupees.	Three per centum on such amount or value, and four and a half per centum on the amount or value of the debts or securities to which the certificate is extended under section 376 of the Act.
12. Certificate under Part X of the Indian Succession Act 1925 (Central Act XXXIX of 1925).	When the amount or value exceeds fifty thousand rupees, on the portion of such amount or value in excess of fifty thousand rupees, up to one lakh of rupees.	Four per centum on such amount or value and five and a half per centum on the amount or value of the debts or securities to which the certificate is extended under section 376 of the Act.

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Ad valorem Fees	*Proper Fee.*	*Number.*
When such amount or value exceeds one lakh of rupees, on the portion of such amount or value in excess of one lakh of rupees.	Five per centum on such amount or value and six and a half per centum on the amount or value of debts or securities to which the certificate is extended under section 376 of the Act.	

Note.—(1) The amount of a debt is its amount, including interest on the day of which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.

(2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act; and where such a power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of the security or for both purposes, the value of the security is its market-value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained."

(*c*) For the Table of Rates of *Ad valorem Fees*, leviable on the Institution of suits, the following Table shall be substituted, namely :—

Table of Rates of Ad valorem Fees Leviable.

(*a*) On plaints, etc., mentioned in Article I of this Schedule.—

When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee		When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee	
Rs.	Rs.	Rs.	a.	Rs.	Rs.	Rs.	a.
...	5	0	8	270	280	31	7
5	10	1	1	280	290	32	9
10	15	1	10	290	300	33	11
15	20	2	3	300	310	34	13
20	25	2	12	310	320	35	15
25	30	3	5	320	330	37	1
30	35	3	14	330	340	38	3
35	40	4	7	340	350	39	5
40	45	5	0	350	360	40	7
45	50	5	9	360	370	41	9
50	55	6	2	370	380	42	11
55	60	6	11	380	390	43	13
60	65	7	4	390	400	44	15
65	70	7	13	400	410	46	1
70	75	8	6	410	420	47	3
75	80	8	15	420	430	48	5
80	85	9	8	430	440	49	7
85	90	10	1	440	450	50	9
90	95	10	10	450	460	51	11
95	100	11	3	460	470	52	13
100	110	12	5	470	480	53	15
110	120	13	7	480	490	55	1
120	130	14	9	490	500	56	3
130	140	15	11	500	510	57	5
140	150	16	13	510	520	58	7
150	160	17	15	520	530	59	9
160	170	19	1	530	540	60	11
170	180	20	3	540	550	61	13
180	190	21	5	550	560	62	15
190	200	22	7	560	570	64	1
200	210	23	9	570	580	65	3
210	220	24	11	580	590	66	5
220	230	25	13	590	600	67	7
230	240	26	15	600	610	68	9
240	250	28	1	610	620	69	11
250	260	29	3	620	630	70	13
260	270	30	5	630	640	71	15

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When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee	
Rs.	Rs.	Rs.	a.
640	650	73	1
650	660	74	3
660	670	75	5
670	680	76	7
680	690	77	9
690	700	78	11
700	710	79	13
710	720	80	15
720	730	82	1
730	740	83	3
740	750	84	5
750	760	85	7
760	770	86	9
770	780	87	11
780	790	88	13
790	800	89	15
800	810	91	1
810	820	92	3
820	830	93	5
830	840	94	7
840	850	95	9
850	860	96	11
860	870	97	13
870	880	98	15
880	890	100	1
890	900	101	3
900	910	102	5
910	920	103	7
920	930	104	9
930	940	105	11
940	950	106	13
950	960	107	15
960	970	109	1
970	980	110	3
980	990	111	5
990	1,000	112	7
1,000	1,100	119	15
1,100	1,200	127	7
1,200	1,300	134	15
1,300	1,400	142	7
1,400	1,500	149	15
1,500	1,600	157	7
1,600	1,700	164	15
1,700	1,800	172	7
1,800	1,900	179	15
1,900	2,000	187	7
2,000	2,100	194	15

When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee	
Rs.	Rs.	Rs.	a.
2,100	2,200	202	7
2,200	2,300	209	15
2,300	2,400	217	7
2,400	2,500	224	15
2,500	2,600	232	7
2,600	2,700	239	15
2,700	2,800	247	7
2,800	2,900	254	15
2,900	3,000	262	7
3,000	3,100	269	15
3,100	3,200	277	7
3,200	3,300	284	15
3,300	3,400	292	7
3,400	3,500	299	15
3,500	3,600	307	7
3,600	3,700	314	15
3,700	3,800	322	7
3,800	3,900	329	15
3,900	4,000	337	7
4,000	4,100	344	15
4,100	4,200	352	7
4,200	4,300	359	15
4,300	4,400	367	7
4,400	4,500	374	15
4,500	4,600	382	7
4,600	4,700	389	15
4,700	4,800	397	7
4,800	4,900	404	15
4,900	5,000	412	7
5,000	5,250	427	7
5,250	5,500	442	7
5,500	5,750	457	7
5,750	6,000	472	7
6,000	6,250	487	7
6,250	6,500	502	7
6,500	6,750	517	7
6,750	7,000	532	7
7,000	7,250	547	7
7,250	7,500	562	7
7,500	7,750	577	7
7,750	8,000	592	7
8,000	8,250	607	7
8,250	8,500	622	7
8,500	8,750	637	7
8,750	9,000	652	7
9,000	9,250	667	7
9,250	9,500	682	7

When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee		When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee	
Rs.	Rs.	Rs.	a.	Rs.	Rs.	Rs.	a.
9,500	9,750	697	7	19,500	20,000	1,162	7
9,750	10,000	712	7	20,000	21,000	1,192	7
10,000	10,500	734	15	21,000	22,000	1,222	7
10,500	11,000	757	7	22,000	23,000	1,252	7
11,000	11,500	779	15	23,000	24,000	1,282	7
11,500	12,000	802	7	24,000	25,000	1,312	7
12,000	12,500	824	15	25,000	26,000	1,342	7
12,500	13,000	847	7	26,000	27,000	1,372	7
13,000	13,500	869	15	27,000	28,000	1,402	7
13,500	14,000	892	7	28,000	29,000	1,432	7
14,000	14,500	914	15	29,000	30,000	1,462	7
14,500	15,000	937	7	30,000	32,000	1,492	7
15,000	15,500	959	15	32,000	34,000	1,522	7
15,500	16,000	982	7	34,000	36,000	1,552	7
16,000	16,500	1,004	15	36,000	38,000	1,582	7
16,500	17,000	1,027	7	38,000	40,000	1,612	7
17,000	17,500	1,049	15	40,000	42,000	1,642	7
17,500	18,000	1,072	7	42,000	44,000	1,672	7
18,000	18,500	1,094	15	44,000	46,000	1,702	7
18,500	19,000	1,117	7	46,000	48,000	1,732	7
19,000	19,500	1,139	15	48,000	50,000	1,762	7

When the amount or value of the subject-matter exceeds Rs. 50,000 for every five thousand rupees or part thereof in excess of fifty thousand rupees—thirty rupees.

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Table of Rates of Ad-valorem Fees leviable.

(*b*) On plaints, etc., mentioned in Article I-A of this Schedule.—

When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee		When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee	
Rs.	Rs.	Rs.	a.	Rs.	Rs.	Rs.	a.
...	5	0	6	200	210	15	12
5	10	0	12	210	220	16	0
10	15	1	2	220	230	17	4
15	20	1	8	230	240	18	0
20	25	1	14	240	250	18	12
25	30	2	4	250	260	19	8
30	35	2	10	260	270	20	4
35	40	3	0	270	280	21	0
40	45	3	6	280	290	21	12
45	50	3	12	290	300	22	8
50	55	4	2	300	310	23	4
55	60	4	8	310	320	24	0
60	65	4	14	320	330	24	12
65	70	5	4	330	340	25	8
70	75	5	10	340	350	26	4
75	80	6	0	350	360	27	0
80	85	6	6	360	370	27	12
85	90	6	12	370	380	28	8
90	95	7	2	380	390	29	4
95	100	7	8	390	400	30	0
100	110	8	4	400	410	30	12
110	120	9	0	410	420	31	8
120	130	9	12	420	430	32	4
130	140	10	8	430	440	33	0
140	150	11	4	440	450	33	12
150	160	12	0	450	460	34	8
160	170	12	12	460	470	35	4
170	180	13	8	470	480	36	0
180	190	14	4	480	490	36	12
190	200	15	0	490	500	37	8

Amendment of Schedule II to Mysore Act III of 1900.

4. In Schedule II to the Principal Act,—

(a) for Articles 11, 11-A and 11-B, the following Articles shall be substituted; namely:—

Number	*Fixed fee*	*Proper fee*
"11. Plaint or memorandum of appeal in a suit—		
(i) to alter or set aside a summary decision or order of any civil court or Revenue Court; (ii) to alter or cancel any entry in a register of the names of Proprietors of revenue paying estates;	.....	Fifteen rupees.
(iii) for relief under section 91 or section 92 of the Code of Civil Procedure, 1908.	.....	Fifty rupees.
11-A. Plaint or memorandum of appeal in a suit—		
(i) to obtain a declaratory decree where no consequential relief is prayed; (ii) to set aside an award;	When the plaint is presented to or the memorandum of appeal is against the decree of—	.....
(iii) to obtain a declaration that an alleged adoption is invalid or never in fact took place or to obtain a declaration that an adoption is valid.	(a) Munsiff's Court (b) a District Court or Sub-Court.	Fifteen rupees. Hundred rupees if the value for purposes of jurisdiction is less than ten thousand rupees; five hundred rupees if such value is ten thousand rupees or upwards.
11-B. Plaint or memorandum of appeal in every suit where it is not possible to estimate at a money value the subject matter in dispute and which is not otherwise provided for by this Act.	When the plaint is presented to or the memorandum of appeal is against the decree of,—	.....
	(a) a Revenue Court	Ten rupees.
	(b) a Munsiff's Court	Fifteen rupees.
	(c) a District Court or Sub-Court.	One hundred rupees".

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(*b*) After Article 13, the following Articles shall be added namely:—

Number	*Fixed fee*	*Proper fee*
14. Every petition under the Indian Divorce Act, 1869, except petitions under section 44 of the same Act, and every memorandum of appeal under section 55 of the same Act.	.....	Twenty rupees
15. Plaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1936.	.....	Twenty rupees.'

G. S. VENKATARAMANA IYER,
Secretary.

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PART IV

Section—1-A.

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. L.D. 648—Legis. 3-52-4, Bangalore, dated 4th July 1952.

Ordered that the Indian Tea Control (Amendment) Bill, 1952 and the State Armed Police Forces (Extension of Laws) Bill, 1952, which were introduced in the House of the People on the 6th and 11th June 1952, respectively and published in the *Gazette of India*, Part II, Section 2, dated the 14th June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

Bills and Reports of Select Committees on Bills.

HOUSE OF THE PEOPLE.

The following Bill was introduced in the House of the People on 6th June 1952 :—

BILL NO. 42 OF 1952.

A Bill further to amend the Indian Tea Control Act, 1938.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Indian Tea Control (Amendment) Act, 1952.

2. **Amendment of Section 3, Act VIII of 1938.**—In section 3 of the Indian Tea Control Act, 1938 (hereinafter referred to as the principal Act), for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) Members nominated or elected under sub-section (1) shall hold office for such period as may be prescribed."

3. **Amendment of section 10, Act VIII of 1938.**—In section 10 of the principal Act, in clause (*h*), after the word 'regulating' the words 'the term of office of nominated or elected members of the Committee' and shall be inserted.

4. **Substitution of new section for section 26, Act VIII of 1938.**—For section 26 of the principal Act, the following section shall be substituted, namely :—

"26. *Method of control of extension of tea cultivation.*—(1) So long as this Act remains in force, no one shall plant tea in any land which was not planted with tea on the 31st day of March, 1950, unless permission has been granted to him in writing by or on behalf of the Committee, and such permission was in force on the date aforesaid or was granted after that date.

(2) The provisions of sub-section (1) shall also apply to the replacing of tea areas by planting tea on area not planted with tea to the same extent but not exceeding two per cent in each year of the total permissible acreage of the tea estate as on the 31st day of March, 1950, subject to such replacements being accompanied by simultaneous uprooting of the tea bushes in the area so replaced.

(3) Nothing in this section shall prohibit or be deemed to prohibit the infilling or supplying of vacancies on land planted with tea on the 31st day of March, 1950, or the replanting of tea upon—

(i) land planted with tea on the 31st day of March, 1950, from which the original bushes have been uprooted, or

(ii) land planted with tea on the 31st day of March, 1948, from which the original bushes have been uprooted."

STATEMENT OF OBJECTS AND REASONS.

The Indian Tea Licensing Committee which administers the Indian Tea Control Act, 1938, consists of elected and nominated members. Under section 10(*h*) of the Act as originally enacted, the Central Government had power to make rules regulating the term of office of all members of the Committee; but, during the war, in view of transport and other difficulties, the Act was amended so as to provide that all members shall hold office for the duration of the Act. Such a provision is no longer necessary and it is proposed, therefore, to restore the original position.

Under section 26 of the Act, the permission of the Tea Licensing Committee is not required for the replacing of tea areas by planting tea on areas not planted with tea to the same extent but not exceeding 2 per cent in each year of the total permissible acreage of the tea estate as on the 31st day of March, 1950. It is now considered necessary for the purpose of ensuring strict observance of our obligations under the International Tea Agreement that this matter also should be subject to the permission of the Tea Licensing Committee.

The Bill gives effect to both these proposals.

NEW DELHI, T. T. KRISHNAMACHARI.

The 28th May 1952.

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The following Bill was introduced in the House of the People on 11th June, 1952:—

BILL No. 43 OF 1952.

A Bill to provide for the extension of the disciplinary laws in force in any State relating to the armed police force of that State to members of the said force when serving outside that State.

BE it enacted by Parliament as follows:—

1. **Short title and extent.**—(1) This Act may be called the State Armed Police Forces (Extension of Laws) Act, 1952.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. **Definition.**—In this Act, "armed police force" means any police force constituted by any of the enactments specified in the Schedule for the time being in force.

3. **Extension of disciplinary laws of any State to members of the armed police force of that State when serving outside that State.**—Where any detachment of an armed police force of a State is serving in any part of any other State, whether independently or by being attached to the police force of that other State, then, notwithstanding anything contained in section 3 of the Police Act, 1888 (III of 1888), every member of the said detachment, while discharging the functions of a police officer in that other State, shall continue to be subject to the same laws in respect of discipline and liabilities as would have been applicable to him, if he had been discharging those functions within the State to which the said force belongs.

4. **Power to add to, or omit from, the Schedule.**—The Central Government may, by notification in the Official Gazette, add to, or omit from, the Schedule any enactment and on the publication of such a notification, the Schedule shall be deemed to be amended accordingly.

5. **Repeal.**—The United Provinces Provincial Armed Constabulary (Extension of Laws) Act, 1949 (IV of 1949) is hereby repealed.

SCHEDULE.

(*See* sections 2 and 4).

1. The Bengal Military Police Act, 1892 (V of 1892).

2. The Eastern Frontier Rifles (Bengal Battalion) Act, 1920 (Ben. Act II of 1920).

3. The Bombay State Reserve Police Act, 1951 (Bombay Act No. XXXVII of 1951).

4. The Central Provinces and Berar Special Armed Constabulary Act, 1942 (C.P. and Berar Act No. VII of 1942).

5. The Madhya Bharat Special Armed Force Act, Samvat 2007 (Madhya Bharat Act No. 75 of 1950).

6. The Orissa Military Police Act, 1946 (Orissa Act No. VII of 1946).

7. The Rajasthan Armed Constabulary Act, 1950 (Rajasthan Act No. XII of [illegible]).

8. The United Provinces Provincial Armed Constabulary Act, 1948 (U.P. Act [illegible]L of 1948).

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STATEMENT OF OBJECTS AND REASONS.

It sometimes becomes necessary for units of Special Armed Police Forces belonging to one State to serve in other States. When doing so, their rights and liabilities are, under the Police Act, 1888, those of police officers of the State in which they happen to be serving at the time. It is considered that these special units should, wherever they may be serving, be subject to the disciplinary liability imposed upon them by the Special Act constituting them. This Bill seeks to provide for this.

NEW DELHI,
13th May 1952.

KAILAS NATH KATJU.

M. N. KAUL,
Secretary.

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NOTIFICATION.

No. L. D. 65—Legis. 3-52-6, dated Bangalore, 4th July 1952.

Ordered that the Commissions of Inquiry Bill, 1952 and the Code of Criminal Procedure (Second Amendment) Bill, 1952 introduced in the House of the People on the 28th May and 2nd June 1952 respectively published in the *Gazette of India*, Part II, Section 2, dated the 7th June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

New Delhi, the 7th June 1952.

PART II—Section 2.

Bills and Reports of Select Committees on Bills.

HOUSE OF THE PEOPLE

The following Bill was introduced in the House of the People on 28th May, 1952 :—

BILL NO. 39 OF 1952

A Bill to provide for the appointment of Commissions of Inquiry and for vesting such Commissions with certain powers.

BE it enacted by Parliament as follows :—

1. **Short title, extent and commencement.**—(1) This Act may be called the Commissions of Inquiry Act, 1952.

(2) It extends to the whole of India except the State of Jammu and Kashmir

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(*a*) " appropriate Government " means—

(*i*) the Central Government, in relation to a Commission appointed by it to make an inquiry into any matter relatable to any of the entries enumerated in List I or List II or List III in the Seventh Schedule to the Constitution ; and

(*ii*) the State Government, in relation to a Commission appointed by it to make an inquiry into any matter relatable to any of the entries enumerated in List II or List III in the Seventh Schedule to the Constitution;

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(b) "Commission" means a Commission of Inquiry appointed under section 3;

(c) "prescribed" means prescribed by rules made under this Act.

3. Appointment of Commission.—(1) The appropriate Government may, if it is of opinion that it is necessary so to do, and shall, if a resolution in this behalf is passed by the House of the People or, as the case may be, the Legislative Assembly of the State, by notification in the Official Gazette, appoint a Commission of Inquiry for the purpose of making an inquiry into any definite matter of public importance and performing such functions as may be specified in the notification, and the Commission so appointed shall make the inquiry and perform the functions accordingly:

Provided that no State Government shall, without the previous approval of the Central Government, appoint a Commission to inquire into any matter in respect of which a Commission has been appointed by the Central Government during the period in which that Commission is functioning and until the expiry of two years from the date on which that Commission ceases to exist by a notification under section 6.

(2) The Commission may consist of one or more members appointed by the appropriate Government, and where the Commission consists of more than one member, one of them may be appointed as the Chairman thereof.

4. Powers of Commission.—(1) The Commission shall have the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record from any court or office;

(e) issuing commissions for the examination of witnesses or documents;

(f) any other matter which may be prescribed.

(2) The Commission shall have power to require any person to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevent to, the subject matter of the inquiry.

(3) The Commission or any officer specially authorised by the Commission may enter any building or place where the Commission has reason to believe that any books of account or other documents relating to the subject matter of the inquiry may be found, and may seize any such books of account or documents or take extracts or copies therefrom.

(4) The Commission shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898) and any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Act XLV of 1860).

(5) The Commission shall, subject to any rules that may be made in this behalf, have power to regulate its own procedure (including the fixing of places and times of its sittings and deciding whether to sit in public or in private) and may act notwithstanding the temporary absence of any member or the existence of a vacancy among its members.

(6) Every member of the Commission and every officer appointed or authorised by the Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

5. Statements made by persons to the Commission.—No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement :

Provided that the statement—

(*a*) is made in reply to a question which he is required by the Commission to answer, or

(*b*) is relevant to the subject matter of the inquiry.

6. Commission to cease to exist when so notified.—The appropriate Government may, if it is of opinion that the continued existence of a Commission is unnecessary, by notification in the Official Gazette, declare that the Commission shall cease to exist from such date as may be specified in this behalf in such notification, and thereupon, the Commission shall cease to exist.

7. Act to apply to other inquiring authorities in certain cases.—Where any authority (by whatever name called) is set up under any resolution or order of the appropriate Government for the purpose of making an inquiry into any definite matter of public importance and that Government is of opinion that the provisions of this Act should be made applicable to that authority, that Government may, subject to the prohibition contained in the proviso to section 3, by notification in the Official Gazette, direct that the provisions of this Act shall apply to that authority, and on the issue of such a notification, that authority shall be deemed to be a Commission of Inquiry appointed under section 3 for all the purposes of this Act.

8. Power to make rules.—(1) The appropriate Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the term of office and the conditions of service of the members of the Commission ;

(*b*) the manner in which inquiries may be held under this Act and the procedure to be followed by the Commission in respect of the proceedings before it ;

(*c*) the powers of civil court which may be vested in the Commission ;

(*d*) any other matter which has to be, or may be, prescribed.

STATEMENT OF OBJECTS AND REASONS

Commissions and Committees of inquiry are at present appointed by Government under executive order ; there is no central law to regulate the powers of such bodies. Some of them have felt handicapped because of the absence of any statutory power to enforce the attendance of witnesses and the production of documents. In order to remove this difficulty, *ad hoc* legislation has been passed from time to time, such as for example, the Sugar Crisis Enquiring Authority Act, 1950. It is felt that there should be a general law authorising Government to appoint an inquiring authority on any matter of public importance, whenever considered necessary, or when a demand to that effect is made by the Legislature and that such law should

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enable the inquiring authority to exercise certain specific powers including the powers to summon witnesses, to take evidence on oath, and to compel persons to furnish information. The Bill is designed to achieve this object.

KAILAS NATH KATJU.

NEW DELHI,
The 20th May 1952.

The following Bill was introduced in the House of the People on 2nd June, 1952 :—

BILL NO. 40 OF 1952.

A Bill further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Code of Criminal Procedure (Second Amendment) Act, 1952.

2. Amendment of Section 128, Act V of 1898.—In section 128 of the Code of Criminal Procedure, 1898 (hereinafter referred to as the principal Act), for the words and figures "the Indian Army, Navy or Air Force or a person subject to the Territorial Army Act, 1948" the words "the armed forces" shall be substituted.

3. Amendment of section 129, Act V of 1898.—In section 129 of the principal Act, for the words "military force" the words "the armed forces" shall be substituted.

4. Amendment of section 130, Act V of 1898.—In sub-section (1) of section 130 of the principal Act, for the words and figures "by military force, he may require any commissioned or non-commissioned officer in command of any soldiers in the Indian Army or of any persons subject to the Territorial Army Act, 1948, to disperse such assembly by military force", the words "by the armed forces, he may require any officer thereof in command of any group of persons belonging to the armed forces to disperse such assembly with the help of the armed forces under his command" shall be substituted.

5. Amendment of section 131, Act V of 1898.—In section 131 of the principal Act, for the words "any commissioned officer of the Indian Army may disperse such assembly by military force" the words "any commissioned officer of the armed forces may disperse such assembly with the help of the armed forces under his command" shall be substituted.

6. Amendment of section 132, Act V of 1898.—In section 132 of the principal Act,—

(*a*) in clause (*d*), for the words and figures "soldier, or person subject to the Indian Territorial Army Act, 1948", the words "soldier, sailor or airman in the armed forces" shall be substituted ;

(*b*) in the proviso, for the words and figures "soldier in the Indian Army or any person subject to the Territorial Army Act, 1948" the words "soldier, sailor or airman in the armed forces" shall be substituted.

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7. Insertion of new section 132A in Act V of 1898.—In Chapter IX after section 132 of the principal Act, the following section shall be inserted, namely :—

'132*A*. *Definitions.*—In this Chapter,—

(*a*) the expression "armed forces" means the military, naval and air forces and includes any other armed forces of the Union ;

(*b*) "officer," in relation to the armed forces, means a person commissioned, gazetted or in pay as an officer of the armed forces and includes a junior commissioned officer, a warrant officer, a petty officer and a non-commissioned officer.'

STATEMENT OF OBJECTS AND REASONS.

Under the provisions of Chapter IX of the Code of Criminal Procedure, when a magistrate finds it necessary to have recourse to military force for the purpose of dispersal of any unlawful assembly, he may only require a Commissioned or non-Commissioned Officer of the Indian Army or of any person subject to the Territorial Army Act, 1948, to use such force. There may be occasions when units of the other two branches of the Armed Forces may provide military assistance more expeditiously, especially in places where major establishments of the Navy and Air Forces are located. It is proposed to amend the Code of Criminal Procedure so as to enable the civil authorities to requisition the help of the Army or the Navy or the Air Force in case of necessity. This Bill gives effect to this proposal.

KAILAS NATH KATJU.

NEW DELHI,
The 16th May 1952.

M. N. KAUL,
Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES

NOTIFICATION.

No. L.D. 652—Legis. 6-52-20, dated Bangalore, 4th July 1952.

Ordered that Notification No. S.R.O. 967, dated the 27th May 1952, of the Ministry of Labour appointing the 1st July 1952 as the date on which the Mines Act, 1952, in its entirety would come into force, published in the *Gazette of India*, Part II, Section 3, dated the 31st May 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 27th May 1952.

S.R.O. 967.—In exercise of the powers conferred by sub-section (3) of section 1 of the Mines Act, 1952, (XXXV of 1952), the Central Government hereby appoints 1st July 1952 as the date on which the said Act in its entirety shall come into force in the whole of India except the State of Jammu and Kashmir.

[No. M-41 (10)/52.]

P. N. SHARMA, *Under Secy.*

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NOTIFICATION.

No. L.D. 653—Legis. 5-52-40, dated Bangalore, 4th July 1952.

Ordered that Notification No. S.R.O. 959, dated the 26th May 1952, of the Ministry of Communications amending the Indian Post Office Rules, 1933, published in the *Gazette of India*, Part II, Section 3, dated the 31st May 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

Posts and Telegraphs.

New Delhi, the 26th May 1952.

S.R.O. 959.—In exercise of the powers conferred by section 43 of the Indian Post Office Act, 1898 (VI of 1898), the Central Government hereby directs that the following further amendment shall be made in the Indian Post Office Rules, 1933, namely:—

For rule 125 of the said Rules, the following rule shall be substituted, namely:—

"125. If the payee of a money order cannot be found or if the payee refuses to take payment on presentation of the money order to him, the amount of the money order shall be returned at once to the remitter, free of charge:

Provided that if the payee while refusing to take payment on presentation of the money order to him, makes an application in writing to the post office of delivery for the detention of the money order for a period not exceeding seven days, the money order shall be detained in the post office for a period of seven days from the date of its presentation to the payee and if the payee fails to take payment of the money order from the post office within the said period of seven days, the money order shall be returned to the remitter on the first working day immediately following the expiry of the said period of seven days;

Provided further that the commission shall in no case be refunded."

[C-40-8/51.]

K. V. VENKATACHALAM, *Dy. Secy.*

NOTIFICATION. 743

No. L.D. 654—Legis. 5-52-41, dated Bangalore, 4th July 1952.

Ordered that Notification No. S.R.O. 960, dated the 26th May 1952, of the Ministry of Communications amending the Indian Telegraph Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 31st May 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

Posts and Telegraphs.

New Delhi, the 26th May 1952.

S.R.O. 960.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government hereby directs that the following further amendment shall be made in the Indian Telegraph Rules, 1951, namely :—

In the list of exchanges annexed to sub-rule (1) of rule 430 of the said Rules in item II after "Meerut" and "Surat", "Nagrispur" and "Takdah" respectively, shall be inserted.

[No. R. 3-11/52.]

K. V. VENKATACHALAM, *Dy. Secy.*

NOTIFICATION. 744

No. L.D. 656–Legis. 6-52-21, dated Bangalore, 4th July 1952.

Ordered that Notification No. S.R.O. 1066, dated the 10th June 1952 of the Ministry of Information and Broadcasting appointing the 28th day of July 1952 as the date on which the Cinematograph Act, 1952, shall come into force published in the *Gazette of India*, Part II, Section 3, dated the 14th June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF INFORMATION AND BROADCASTING.

New Delhi, the 10th June 1952.

S.R.O. 1066.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Cinematograph Act, 1952 (XXXVII of 1952), the Central Government hereby appoints the 28th day of July 1952 as the date on which the said act shall come into force.

[No. 20/6/52-F.]

C. B. RAO, Dy. Secy

NOTIFICATION.

No. L.D. 657—Legis. 6-52-22, dated Bangalore, 4th July 1952.

Ordered that Notification No. S.R.O. 1068, dated the 6th June 1952 of the Ministry of Communications under the Indian Post Office Rules, 1933, regarding the Sale and Distribution of Postage Stamps by persons unconnected with the Department, published in the *Gazette of India*, Part II, Section 3, dated the 14th June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF COMMUNICATIONS.

(Posts and Telegraphs).

New Delhi, the 4th June 1952.

S.R.O. 1068.—In exercise of the powers conferred by sub-rule (1) of rule 194-A of the Indian Post Office Rules, 1933, the Central Government is pleased to authorise the following officers of the Indian Posts and Telegraphs Department to issue on its behalf licences to persons unconnected with the Department to sell or distribute postage stamps or deal in any manner in postage stamps :—

(1) Senior Superintendent of Post Offices.

(2) Superintendent of Post Offices.

(3) Director of Postal Services, Delhi Circle.

[No. C-40-97/50.]

K. V. VENKATACHALAM, Dy. Secy.

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NOTIFICATION.

No. L.D. 658—Legis. 6-52-23, dated Bangalore, 4th July 1952.

Ordered that Notification No. S.R.O. 1073, dated the 4th June 1952 of the Ministry of Works, Production and Supply, nominating members of Rajghat Samadhi Committee, published in the *Gazette of India*, Part II, Section 3, dated the 14th June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS, PRODUCTION AND SUPPLY.

New Delhi, the 4th June 1952.

S.R.O. 1073.—In exercise of the powers conferred by section 4 of the Rajghat Samadhi Act, 1951 (XLI of 1951), the Central Government hereby nominates the following persons as members of the Rajghat Samadhi Committee, namely :—

Officials.

(1) The Chief Commissioner, Delhi.

(2) The Senior Superintendent of Police, Delhi.

(3) The Superintending Engineer, First Circle, C.P.W.D., New Delhi.

Non-Officials.

(1) Shri Devadas Gandhi.

(2) Shri Lakshmidas Purshotam, Secretary, Gandhi Smark Nidhi, New Delhi.

(3) Shri Brij Krishan Chandiwala, Delhi.

and appoints the Chief Commissioner, Delhi, as the Chairman of the said Committee and further notifies that the following Members of Parliament have been nominated by the Speaker to be Member of the said Committee, in pursuance of clause (d) of sub-section (1) of the said section :—

Kakasaheb Kalelkar, M.C.,

Sri C. Krishnan Nair, M.P.,

and that the President of the New Delhi Municipal Committee is an *ex-officio* Member of the Committee.

[No. 3533-WI/52.]

N. B. CHATTERJI, Dy. Secy.

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NOTIFICATION.

No. L. D. 659—Legis. 5-52-42, dated Bangalore, 4th July 1952.

Ordered that Notification No. S.R.O. 1067, dated the 6th June. 1952 of the Ministry of Rehabilitation amending the Administration of Evacuee Property (Central) Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 14th June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION.

New Delhi, the 6th June 1952.

S.R.O. 1067.—In exercise of the powers conferred by section 56 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby directs that the following amendment shall be made in the administration of Evacuee Property (Central) Rules, 1950, namely :—

In rule 22 of the said Rules—

(a) to sub-rule (1), the following Explanation shall be added, namely :—

"*Explanation.*—An application under this sub-rule shall lie in respect of a claim for refund of money paid as consideration for the transfer by an evacuee of any property, where such transfer is not confirmed by the custodian under section 40 of the Act ;"

(b) for sub-rule (2), the following sub-rules shall be substituted, namely :—

"(2) (a) Where a claim made under sub-rule (1) is supported by—

(i) a decree of a competent court ; or

(ii) a registered deed executed and registered before the 14th August 1947 ; or

(iii) a registered deed executed and registered on or after the 14th August, 1947 and the transaction in respect of which the deed was so executed and registered has been confirmed by the Custodian ; or

(iv) an acknowledgment in writing executed by the evacuee himself before the 1st March 1947 ; or

(b) where such claim is of the nature referred to in the 'Explanation to sub-rule (1) and the Custodian holds that the transfer of the property in respect of which the claim is made was a *bona fide* transaction,

the custodian may register the claim or such part thereof as has not been satisfied:

Provided that in the case of claim of the nature referred to in the Explanation to sub-rule (1), the claim shall be registered only for that amount of money which is proved to have been paid as consideration for the transfer of the property.

(2A) In any case which does not fall under sub-rule (2), the Custodian shall direct the claimant to establish his claim in a civil court."

[No. 4(6)/52-Prop.]

D. R. KOHLI, Dy. Secy.

NOTIFICATION.

No L.D. 660—Legis. 5-52-43, dated Bangalore, 4th July 1952.

Ordered that Notification No. S.R.O. 1074, dated the 5th June 1952 of the Ministry of Works, Production and Supply, the Rajghat Samadhi Rules, 1952, published in the *Gazette of India*, Part II, Section 3, dated the 14th June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS, PRODUCTION AND SUPPLY.

New Delhi, the 5th June 1952.

S.R.O. 1074.—In exercise of the powers conferred by section 6 of the Rajghat Samadhi Act, 1951 (XLI of 1951) (hereinafter in the rules referred to as the Act), the Central Government hereby makes the following rules:—

These rules may be called the Rajghat Samadhi Rules, 1952.

1. *Creation of the Samadhi Fund.*—(1) There shall be formed a fund to be called the Samadhi Fund, and there shall be placed at the credit thereof all sums received by the Committee as donations and grants or on any other account approved by the Government of India.

(2) The Samadhi Fund shall be vested in the Committee and the balance standing at the credit of the fund shall be kept in such custody as the Committee may, with the approval of the Government of India, from time to time decide.

2. *Objects to which the Samadhi Fund may be applied.*—The Samadhi Fund shall be applicable to the following objects:—

(1) to payments for the maintenance or repair or embellishment of the Samadhi;

(2) to the payment of the salaries and allowances of the caretaker and of the establishment employed by the Committee for the purposes of the Act;

(3) to the payment of the cost of audit of the Samadhi Fund;

(4) to the payment of any other expense incurred by the Committee in carrying out the provisions of the Act; and

(5) to any object which may be declared by the Committee with the concurrence of the Government of India to be an object to which the Samadhi Fund may be applicable.

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3. *Budget.*—The annual budget shall be prepared by the Secretary of the Committee and shall be placed at a meeting of the Committee in the month of January each year. A copy of the approved budget shall within ten days of the Committee's resolution be sent to the Chief Commissioner who will have power to issue directions in respect of the budget.

4. *Audit of accounts and annual report.*—(1) The accounts of the Samadhi shall be duly audited every year by a chartered or registered accountant appointed by the Committee;

(2) The Committee shall publish an annual report on the administration of the Samadhi with a financial estimate and the report of the auditor.

5. *Power over funds.*—(1) The Secretary of the Committee shall have powers to sanction petty expenditure not exceeding Rs. 200 (Rupees two hundred) in any one financial year. Any expenditure exceeding Rs. 200 shall require the prior approval of the Committee;

(2) The Chairman of the Committee shall have powers to sanction an emergent expenditure exceeding Rs. 200 on any approved object in anticipation of the sanction of the Committee, but such an expenditure shall be reported to the next meeting of the Committee.

6. *Appointment of a Caretaker.*—The Committee shall exercise its powers of administration, control and management of the Samadhi through a caretaker appointed by itself.

7. *Access to the Samadhi.*—(1) Subject to such rules, restrictions and levy of charges as may be prescribed by the Committee from time to time, the public shall have a right of access to the Samadhi.

(2) The Committee may prohibit the entry of visitors to the whole or any part of the Samadhi premises for a temporary period.

(3) The Committee may authorise the caretaker or any other person to expel out of Samadhi premises any person found violating any rules or directions laid down for observance by the visitors and if necessary reasonable force may be used for carrying out the said purpose.

(4) Such rules or directions may relate to the taking out of shoes and the washing of hands before entering the enclosure where Mahatma Gandhi was cremated, the plucking of flowers, the use of fountain water for drinking or other allied purposes, the spoiling of grassy plots, trees, furniture, building or other valuables within the premises of the Samadhi.

(5) The Committee may make due provision for the protection of the Samadhi from pollution or desecration.

8. *Custody and use of the common seal.*—The common seal of the Committee shall remain in the custody of the Secretary and shall be affixed to all agreements contracts, notices and other allied instruments made and executed in the name of the Committee.

[No. 3554-WI/52.]

N. B. CHATTERJI, Dy. Secy.

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PART IV

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATION.

No. M. 6171—P.H. 104-51-3, dated Bangalore, 7th July 1952.

The draft of the following Rules under the Mysore Prevention of Adulteration Act, 1921 (Mysore Act No. IX of 1921), which it is proposed to make in respect of Tiptur Town Municipal Limits, in exercise of the powers conferred by Section 20 of the said Act, is hereby published for the information of all persons likely to be affected thereby.

Notice is hereby given that the draft will be taken into consideration after a month from the date of its publication in the Gazette.

Objections or suggestions if any, to the Draft Rules may be forwarded to the Secretary to Government, Home Department, Old Public Offices, Bangalore, on or before the said date for consideration.

TIPTUR TOWN MUNICIPALITY.

Draft Rules.

Rules under the Mysore Prevention of Adulteration Act, applicable to the limits of Tiptur Town Municipality.

1. In these rules "Act" means the Mysore Prevention of Adulteration Act, (Mysore Act No. IX of 1921.)

Section means a section of the Act.

2. *Section 20 (a).*—The officer to whom the local executive officer may delegate his powers shall be of the rank of a Health Officer or the holder of the diploma of Public Health. No legal proceedings under the Act shall be instituted without the permission in writing of the President.

3. *Section 20 (b).*—The area within which the local executive officer of the Municipal Council shall exercise powers shall be the Municipal limits of Tiptur Town.

4. *Section 20 (c).—Cleanliness of Vessels*:—All vessels, receptacles, or utensils used for manufacturing or preparing food or containing any food intended for sale shall be cleansed with clean boiling water before and after use and shall be kept in a constant state of cleanliness. In case of food likely to be acted upon by the metal of the vessels, receptacles or utensils in which the food is manufactured, prepared or contained for purposes of sale, all necessary action shall be taken to prevent such metallic contamination.

5. *Section 20 (d).—How notice of admixture, addition or deficiency shall be given.*—If the vendor of any article intended for food knows that it is admixed with any foreign substance whatsoever or that any component part has been abstracted therefrom, he shall give due notice of such admixture or abstraction by means of distinct and clear labels in Kannada or in English affixed conspicuously on each package or receptacle containing the article. Unless the vendor of any food containing an admixture, addition or deficiency, knows that the purchaser is able to read and understand the label, he shall give the purchaser the information contained in the label by word of mouth at the time of purchase.

6. The standards of purity prescribed for milk, cream, curds, butter and ghee and tea and coffee are as follows:—

Milk.—Cow's Milk.—(1) where a sample of cow's milk (not being sold or offered for sale as skimmed or separated milk) contains less than three per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(2) Where a sample of cow's milk whether sold or offered for sale as cow's milk or as skimmed or separated cow's milk, contains less than 8·5 per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

(3) Where a sample of cow's milk whether sold or offered for sale as cow's milk or as skimmed or separated cow's milk, contains less than 0·5 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

(4) Where a sample of cow's milk whether sold or offered for sale as cow's milk or as skimmed or separated cow's milk, contains less than 0·5 or more than 0·75 per cent of ash, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water, or the addition of extraneous solids, as the case may be.

(5) *Buffalo's milk.*—Where a sample of buffalo's milk (not being sold or offered for sale as skimmed or separated milk) contains less than 4·0 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the abstraction there from of milk-fat, or the addition thereto of water.

(6) Where a sample of buffalo's milk, whether sold or offered for sale as buffalo's milk, or as skimmed or separated buffalo's milk, contains less than 9 per cent of milk solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

(7) Where a sample of buffalo's milk, whether sold or offered for sale as buffalo's milk, or as skimmed or separated buffalo's milk, contains less than 0·53 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

N.B.—The minimum limits for nitrogen prescribed above under (3) and (7) are intended to be used in those cases in which a sample of milk when it is analysed is so far decomposed that an estimation of the proportion of milk-solids other than milk-fat in the sample before decomposition will be unreliable the proportion of nitrogen not being appreciably affected by decomposition.

(8) Where a sample of buffalo's milk, whether sold or offered for sale as buffalo's milk, or as skimmed or separated buffalo's milk contains less than 0·60 or more than 1·00 per cent of ash, it shall be presumed for the purposes

of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water, or the addition of extraneous solids, as the case may be.

(9) *Unspecified Milk.*—Where a sample of milk, separated milk or skimmed milk, is sold or offered for sale or hawked about, without any indication as to whether it is derived from the cow or the buffalo and by comparison with the minimum limits prescribed above under (1), (2) and (3) for cow's milk, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine for the reason given in the above rule or rules which are applicable.

(10) *Maximum Limit for Dirt in Milk.*—Where a sample of milk, separated milk or skimmed milk deposits on standing for a period of 24 hours or less, an amount of visible sediment exceeding five parts per 100,000 (both milk and sediment being measured by volume) it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of its containing an excessive amount of dirt.

(11) *Cream.*—Where a sample of cream contains less than 20 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

Curd.—Curd is the product obtained by lactic acid fermentation of milk.

(12) *Curd from Cow's Milk.*—Where a sample of curd from cow's milk, whether sold or offered for sale as curd from cow's milk, contains less than 8·9 per cent of total solids and more than 2·82 per cent of acidity in terms of lactic acid, it shall be presumed for the purposes of this Act, until the contrary be proved, that the curd is not genuine by reason of the addition thereto of water.

(13) *Curd from Skimmed (Cow's) Milk.*—Where a sample of curd from skimmed (cow's) milk, whether sold or offered for sale as curd from skimmed (cow's) milk, contains less than 6·1 per cent of total solids and more than 3·28 per cent of acidity in terms of lactic acid, it shall be presumed for the purposes of this Act, until the contrary be proved that the curd is not genuine by reason of the addition thereto of water.

(14) *Curd from Buffalo's Milk.*—Where a sample of curd from buffalo's milk, whether sold or offered for sale as curd from buffalo's milk, contains less than 9·8 per cent of total solids and more than 3·45 per cent of acidity in terms of lactic acid, it shall be presumed for the purposes of this Act, until the contrary be proved, that the curd is not genuine by reason of the addition thereto of water.

(15) *Curd from Skimmed (Buffalo's) Milk.*—Where a sample of curd from skimmed (buffalo's) milk, whether sold or offered for sale as curd from skimmed (buffalo's) milk, contains less than 7·3 per cent of total solids and more than 3·55 per cent of acidity in terms of lactic acid, it shall be presumed for the purposes of this Act, until the contrary be proved, that the curd is not genuine by reason of the addition thereto of water.

(16) *Curd from Skimmed (Unspecified) Milk.*—Where a sample of curd from skimmed milk is sold or offered for sale or hawked about, without any indication as to whether it is made of cow's or buffalo's milk and by comparison with the limits prescribed above under (13) for curd from skimmed (cow's) milk, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

(17) *Butter.*—(*a*) Where the proportion of water in a sample of butter made from cow's or buffalo's milk or cream exceeds 20 per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the butter is not genuine by reason of the excessive amount of water therein.

Note.—Rules (18) and (19) which are intended to be used in the case of ghee samples shall also apply in the case of butter which may be clarified into ghee for this purpose.

(*b*) No preservatives except salt shall be used.

(18) *Ghee.*—Where the proportion of water in a sample of ghee made from cow's or buffalo's butter exceeds one per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the ghee is not genuine by reason of the excessive amount of water therein.

(19) Where a sample of ghee, whether sold or offered for sale, as cow's or buffalo's ghee or mixed ghee does not satisfy the following values, it shall be presumed for the

purposes of this Act, until the contrary be proved, that the sample is not genuine:—

.....	Refractive index at 40°C	Reichert meisal value	Polenske value	Free fatty acid as oleic, per cent	Saponification value	Iodine value
		Not less than	Not less than	Not more than	Not more than	Not more than
Cow's ghee	41'0–44'0 ...	21'0	1'5	0'20	2'25	41'0
Buffalo's ghee ...	41'0–44'0 ...	27'0	1'5	0'30	2'25	41'0
Mixed ghee ...	41'0–4'0 ...	25'0	1'0	0'28	2'25	41'0

(20) *Tea.*—(*a*) Tea shall be derived exclusively from the leaves and buds of plants of the camellia genus and thea species.

(*b*) Tea shall contain (i) a proportion of etractive matter in boiling water which is not less than 40 per cent;

(ii) a proportion of total ash of not less than 4 per cent and not more than 8 per cent;

(iii) a proportion of ash insoluble in boiling water which is not more than 3'0 per cent; and

(iv) the total alkalinity of the ash as K 20 should not be less than 1'7 or more than 2'0.

N.B.—For the purpose of this rule, the ash of tea shall be determined on dry tea, this is, tea dried to constant weight at 100°C.

(*c*) Where a sample of tea does not comply with all the standards specified in sub-rules (*a*) and (*b*) it shall be presumed for the purposes of this Act, until the contrary be proved, that the tea is not genuine.

(21) *Coffee.*—(*a*) "Coffee" means the seed of cultivated varieties of coffee arabica, coffee liberica and coffee robusta.

Green, raw or unroasted coffee is coffee freed from all but a small portion of its spermoderm, and conforms in variety and in place of production to the name it bears.

"Roasted Coffee" means properly cleaned green coffee which by the action of heat (roasting) has become brown and has developed its characteristic aroma and

shall not contain any admixture of other substances than coffee, save as under (*d*).

(*b*) Coffee shall contain—

(i) a proportion of extractive matter in boiling water which is not less than 30 per cent;

(ii) a proportion of total ash of not less than 4 per cent and not more than 5 per cent;

(iii) a proportion of ash insoluble in boiling water which is not more than 1'4 per cent; and

(iv) the total alkalinity of the ash as K 20 should not be less than 1'8 or more than 2'2.

N.B.—For the purpose of this rule, the ash of coffee powder shall be determined on dry coffee powder, this is coffee powder dried to constant weight at 100'C.

(*c*) Where a sample of coffee does not comply with all the standards specified in sub-rules (*a*) and (*b*), it shall be presumed for the purposes of this Act, until the contrary be proved, that the coffee is not genuine.

(*d*) The only permissible adulterant to coffee is chicory, which may be added to the coffee in a proportion not exceeding 50 per cent. The fact of such an addition and the exact proportion of the adulterant shall be clearly indicated on the label of the container or packet containing the mixture, in a conspicuous place and in distinct legible letters.

When ground coffee is sold or exposed for sale in loose form, *i.e.*, other than in specifically prepared packets or containers, the receptacles containing the coffee, or on which it is exposed or kept for sale, shall be labelled with labels indicating the nature and extent of the adulterant present (if any) in letters less than one-half of an inch in size. Absence of such a label will be taken to imply that the coffee so kept or exposed for sale is meant to be sold as pure coffee.

7. *Section* 20/(*f*).—(1) No person shall add water or any dried or condensed milk or any fluid reconstituted therefrom or any skimmed milk, or separated milk, to milk intended for sale, and no person shall, by himself or by any servant or agent, sell or offer for sale or hawk about any milk to which any such addition has been made.

(2) No person shall abstract any ingredient from milk, without giving due notice of the same, in an unambiguous manner, of the fact of such abstraction therefrom, as prescribed in rules under Section 20 (*d*).

(3) No person either by himself or any servant or agent, shall sell or offer for sale or hawk about as milk, any liquid in the making of which dried milk or condensed milk has been used or to which water or other dilutent or adulterant has been added or from which any ingredient has been abstracted, without due notice of the same to the purchaser as prescribed in rule under Section 20 (*d*).

8. *Section* 20 (*g*).—Any receptacle containing dried, condensed, skimmed or separated milk shall be labelled with an adhesive label which shall contain the information and be of the size indicated below. The information shall be in black type, printed or written in the centre of the label which shall be of white colour. Nothing else shall be printed or written on the label, except the name of the article. The label shall be clearly visible to the purchaser and shall measure at least 2″ x 4″ where only Kannada is used or at least 4 " x 4 " where more than one language is employed.

9. *Section* 20 (*h*).—(1) Any person taking a sample of milk for the purposes of this Act may add a preservative for the purpose of retaining the sample in a condition convenient for analytical purposes.

(2) The preservative used shall be the liquid commonly known as " formalin " which is a liquid containing about 40 per cent of formaldehyde in aqueous solution.

(3) The amount of preservative added shall be approximately in proportion of one drop of formalin for every 2 oz. of the sample of milk.

(4) Each sample of milk to which formalin has been added by the person taking the sample shall bear a notification on the label to the effect that it has been " artificially preserved. "

(5) For the purposes of this rule, milk includes skimmed and separated milk.

10. *Penalty for Breach of Rules.*—Every manufacturer or dealer or vendor who (*a*) disobeys, fails to comply with or acts in contravention of the provisions made under

Rule 4 herein in respect of cleanliness of vessels, receptacles or utensils used for manufacturing, preparing or containing any food intended for sale, or (*b*) neglects to affix labels to notify in the manner prescribed, the fact of the admixture of foreign ingredients in the case of adulterated articles of food or abstraction of any component part therefrom of any article of food, or (*c*) fails to give the purchaser in cases mentioned in Rule 5 information contained in such lables by word of mouth at the time of purchase, or (*d*) manufactures, deals in or sells milk, cream, butter or ghee below the standard prescribed in Rule 6 above shall, on conviction before a Magistrate, be punished with a fine not exceeding Rs. 50 and with a fine which may extend to Rs. 150 for every subsequent offence.

By Order of His Highness the Maharaja,

G. N. NAGARAJA RAO,

Secretary to Government,
Home Department.

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PART IV.

Section 2-D

RULES MADE BY THE HIGH COURT OF MYSORE.

NOTIFICATION.

No. R.Dis. 11, dated Bangalore, 8th July 1952.

The Mysore Bar Council Rules.

In exercise of the powers conferred by sub-section (2) of Section 6 of the Indian Bar Councils Act, 1926 (Central Act XXXVIII of 1926), the High Court of Mysore is pleased to make the following Rules regarding the constitution and procedure of the Bar Council for the High Court of Mysore :—

1. In these rules unless there is anything repugnant in the subject or context and subject to the provisions of Rule 40 :—

(i) "Act" means the Indian Bar Councils Act, 1926.

(ii) "Advocate-General" means the Advocate-General in Mysore.

(iii) "Bar Council" means the Bar Council to be constituted for the High Court of Mysore.

(iv) "Barrister" means a barrister of England or Ireland or a member of the Faculty of Advocates in Scotland.

(v) "Chairman" means the Chairman of the Bar Council or in his absence the Vice-Chairman as provided by Section 4 (4) of the Act.

(vi) the "High Court" means the High Court of Mysore.

(vii) "Secretary" means the Secretary or other person to be appointed by the Bar Council to perform the duties of a Secretary however designated and shall include any person appointed under Rule 9.

(viii) "Voter" means any person whose name is entered on the roll of Advocates maintained by the High Court under Section 8 (2) of the Act and who is resident in India at the time of the election.

2. The Bar Council shall be the accredited representative of the Bar and its duty shall be to deal with all matters affecting the profession and to take such action thereon as provided for by the Act.

3. The Bar Council shall consist of—

(i) the Advocate-General for the time being,

(ii) four persons nominated by the High Court in accordance with Section 4, (1) (*b*) of the Act, and

(iii) ten persons elected from among the Advocates who are on the date of the election entitled as of right to practise in the High Court.

4. Elections to the Bar Council shall be held at such place and on such day and within such hours as the Chairman may appoint, but not later than one month after the term of office of elected members who shall vacate office shall expire.

5. (i) Notice of such time and place shall be given by publication in the *Mysore Gazette*, over the signature of the Secretary not less than 30 days before the date of the election.

(ii) Copies of such notice shall also be sent by the Secretary to the Advocate-General and to the Presidents of the Law Associations at all the District Headquarter towns and to all District Judges in the Mysore State, to be affixed as they may direct.

6. Every candidate for election as a member of the Bar Council shall be proposed by two voters by a letter addressed to the Secretary. The same shall be delivered to the Secretary on or before a date to be fixed by him which shall be not less than 30 days before the date fixed for election.

7. Any person proposed may, by writing, withdraw his name as a candidate at any time before a date which may be notified by the Secretary and which shall be not less than seven days before the date fixed for the election.

8. Not less than seven days before the date fixed for the election the Secretary shall cause a list of the names of all candidates duly proposed to be posted on a

notice-board in the Court House and shall send copies of such list to the Presidents of the Law Associations at all the District Headquarter, towns and to all District Judges in the Mysore State.

9. Elections and all matters relating thereto provided for by these rules shall be conducted by the Secretary or such person as the Bar Council may appoint to discharge the duties of the Secretary under these rules and the Secretary or such person may with the approval of the Chairman appoint any person or persons to assist him in the conduct thereof.

10. If ten or less than ten candidates are proposed and nominated for election, they shall be deemed to be elected and if the number of candidates so proposed and nominated be less than ten, the Bar Council as elected, shall have power to fill up the remaining vacancies in the manner provided for filling a casual vacancy.

If more than ten candidates are proposed, the election shall be by voting papers as provided in the succeeding rules.

11. A roll of Advocates entitled as of right to practise in the High Court shall be prepared consisting of two parts: those who are of more than 10 years' standing and those who are of less than 10 years' standing with the address of each member. Any person who desires to change his address shall notify his intended change of address to the Secretary of the Bar Council.

12. A voting paper will be issued to every voter, but any person entitled to vote who has not entered his name and address shall not be supplied with a voting paper except on a written application to the Secretary.

13. Voting shall be by ballot and shall be in accordance with the procedure to be fixed by the Secretary.

14. All voting papers when filled in and signed shall be delivered or sent by post to the Secretary so as to be received by him on or before 3 P.M. of the day fixed for election and any voting paper received thereafter shall be rejected.

15. (i) A voter shall vote by placing a cross against the name of any candidate for whom he desires to vote.

He shall not place a cross against more names than the number of members to be elected. He shall not give more than one vote to one candidate. In the event of any erasures or alterations on the voting paper or of an excessive number of votes purporting to have been given, the voting paper shall be deemed to have been defaced and no votes purporting to have been given thereby shall be counted.

(ii) The decision of the Advocate-General whether a voting paper has or has not been defaced shall be final.

16. At the conclusion of the voting the votes shall be counted and the voting paper shall thereupon be placed in a box and sealed and the names of the candidates shall be set out in a list which shall specify the number of votes obtained by each.

17. (i) The number of candidates who shall be declared to have been elected shall be the first ten who obtain the highest number of votes.

(ii) In the event of an equality of votes, the Secretary shall draw lots in the presence of the Advocate-General for the purpose of deciding the priority between the candidates having the same number of votes.

18. Of the elected members of the Council not less than five shall be persons who have for not less than ten years been entitled as of right to practise in the High Court of Mysore.

19. A list of candidates declared elected to the Bar Council shall be prepared and signed by the Secretary and submitted by him to the Advocate-General who shall certify the same by his signature and the same shall be filed as of record by the Secretary. Copies thereof shall be published in the *Mysore Gazette* and sent to the Advocate-General and the Presidents of the Law Associations at all the District Headquarter towns in the Mysore State to be affixed as they may direct and to all the Civil Courts in the State.

20. A candidate may contest the validity of the election of a candidate declared to have been elected to the Bar Council by a letter signed by him and addressed to the Secretary. Such letter shall state the grounds upon which the validity of such election is contested and

shall be delivered to the Secretary within seven days of the date of the publication in the *Mysore Gazette* of the list required by Rule 19 to be so published and after the expiry of seven days from the date of such publication the validity of the election shall not be challenged by a candidate on any ground whatever.

21. At any time within 30 days from the date of the publication aforesaid of the said list the Advocate-General may refer in writing to the Committee constituted by Rule 23 any question relating to the validity of a candidate declared to have been elected to the Bar Council.

22. At the expiry of 40 days from the publication aforesaid of the said list the election shall be final and the voting papers shall be destroyed provided that in the event of the validity of an election being challenged under Rule 20 or of a reference under Rule 21 the voting papers shall be preserved and dealt with as the Committee appointed under Rule 23 may direct.

23. All matters arising under Rules 20 and 21 shall be decided by a Committee of three Judges to be nominated by the Chief Justice and the said Committee shall be at liberty to hold such enquiry and in such manner as it may see fit. The decision of a majority of the said Committee shall be final as to any question that may arise at the said enquiry and in relation thereto and upon any matter referred to or to be enquired into by them under these rules.

24. If the said Committee shall decide that a candidate has not been validly elected the vacant place on the Bar Council shall be filled as hereinafter provided in the case of a casual vacancy.

25. Elected members going out of office shall be eligible for re-election.

26. Nominated members shall go out of office at the expiry of three years from the date of the first meeting of the Bar Council and annually thereafter on the further expiry of one year from the said date but shall be eligible for re-nomination.

The term of office of the elected members shall be three years from the constitution of the Bar Council.

27. Casual vacancies which may occur among the elected members may be filled up by the Bar Council and the person filling up a vacancy shall go out of office with the end of the term of that Bar Council. In the event of two or more candidates having received the same number of votes, the Chairman shall have a casting vote.

28. Any elected member of the Bar Council who fails to attend three consecutive meetings of the Bar Council shall be deemed to have vacated his seat and the same shall be deemed a casual vacancy and he shall be eligible for re-appointment under Rule 25.

29. The Bar Council shall be deemed duly constituted notwithstanding any vacancy in elected or nominated members.

30. Meetings of the Bar Council shall be convened by the Secretary under the direction of the Chairman, or, in his absence from Bangalore, of the Vice-Chairman, who shall determine the time and place thereof, provided that no meeting shall be convened for any date falling within a vacation of the High Court.

31. Notices of meetings of the Bar Council shall be given as the Bar Council may from time to time determine.

32. The Bar Council shall elect from among their members a Vice-Chairman at a meeting held for the purpose. Any candidate for the office of Vice-Chairman shall be proposed and seconded by members of the Bar Council.

33. The election of the Vice-Chairman shall be by ballot to be held in such manner as the Chairman shall determine. If the votes are equal, the Chairman shall have a casting vote.

34. The quorum of the Bar Council shall be five. Each member of the Bar Council shall have a vote and the Chairman shall have a casting vote.

35. No matter determined by a resolution of the Bar Council shall be reconsidered or re-opened within six months from the date of such resolution and the Chairman

shall decide if a matter is within this rule and his decision shall be final.

36. The Bar Council shall have power to appoint a Secretary, Treasurer, Officers and Servants as may be necessary as provided for in the by-laws of the Bar Council under the Act.

37. The funds received by the Bar Council shall be at its disposal for the payment of such salaries and other expenses as the Bar Council may incur in promoting the objects for which it is constituted.

38. The Bar Council shall have power to appoint Standing Committees if it thinks fit and delegate to them such powers or duties of the Bar Council as may seem desirable.

39. The Bar Council may make such rules of business as it may think fit not inconsistent with the Act or the rules.

40. For the purposes of the first election to be held under the Act and these rules :—

(i) In Rules 5, 6, 8, 9, 11, 12, 14, 17 (i), 19 and 20 "Registrar" shall be substituted for "Secretary".

(ii) In Rule 4 "Chief Justice of Mysore" shall be substituted for "Chairman".

(iii) In Rule 15 (ii) the words "such Judge of the High Court as the Chief Justice may appoint" shall be substituted for the words "the Advocate-General".

(iv) From Rule 9 the words "or such person as the Bar Council may appoint to discharge the duties of the Secretary under these Rules" and the words "or such person" and the words "with the approval of the Chairman" shall be deleted.

(v) To Rule 16 the words "and a copy sent to the Chairman of the Bar Council when constituted" shall be added.

(vi) From Rule 17 (i) the words "in the presence of the Advocate-General" shall be deleted.

(vii) From Rule 19 the words "and submitted by him to the Advocate-General who shall certify the same by his signature" shall be deleted.

(viii) "Registrar" means the Registrar of the High Court and shall include any person appointed by him under Rule 9.

T. KEMPAIYA,
Registrar.

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BANGALORE, TUESDAY, JULY 15, 1952.

PART IV

Section 2-A.

MYSORE BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. 4702—L.A., dated Bangalore, the 15th July 1952.

As required by rule 69 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly the following report of the Select Committee on the Mysore Ministers Salaries and Allowances Bill, 1952, with the amended Bill, is hereby published.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

REPORT OF THE SELECT COMMITTEE ON THE MYSORE MINISTERS SALARIES AND ALLOWANCES BILL, 1952.

(Presented on 14th July 1952.) 768

We, the members of the Select Committee to which the Mysore Ministers Salaries and Allowances Bill, 1952, was referred, have considered the several clauses of the Bill and have the honour to submit the following report :—

Clause 3 :—We are of the opinion that a salary of rupees nine hundred per mensem may be provided for Ministers. Instead of a sumptuary allowance of Rs. 500 per mensem an allowance of Rs. 5,000 per annum may by placed at the disposal of the Chief Minister.

Clause 7 :—For journeys by air the admissible fare may be one and a half times the single fare instead of twice the single fare.

These amendments are indicated in the Bill appended to the report.

The Bill was published in the *Mysore Gazette* Extraordinary dated the 20th June 1952. In our opinion the Bill has not been so altered as to require circulation.

A. G. RAMACHANDRA RAO (*Chairman*)
J. MOHAMED IMAM *
H. S. RUDRAPPA
H. K. VEERANNA GOWDA
H. C. LINGA REDDY
M. LINGANNA
D. DEVARAJ URS
B. L. SUBBAMMA
B. HUTCHE GOWDA *
A. BHEEMAPPA NAIK
B. T. KEMPA RAJ
MULKA GOVINDA REDDY *
M. SANKAR LINGE GOWDA *

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* Subject to a minute of Dissent.

Sri K. G. Thimme Gowda was not present at the meeting of the Committee.

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Minutes of Dissent.

We are of opinion that the conveyance allowance allowed to the Ministers may be limited to Rupees one hundred and fifty per month and the house rent allowance at Rupees two hundred per month.

We are of opinion that the Ministers should draw their travelling and daily allowances at the rates allowed under the Mysore Service Regulations and we feel that there is no need to enhance the daily allowance to Rupees twenty-five per day.

The sumptuary allowance allowed to the Chief Minister may be limited to Rupees three thousand per year.

J. MOHAMED IMAM
B. HUTCHE GOWDA
MULKA GOVINDA REDDY.

10th July 1952.

1. That the innumerable items of expenditure in the family budget of each Minister demands high income to balance it.

2. That the heavy responsibility of each Minister and his devotion to the service of the State contemplates an high sense of economic security.

3. That since the volume of work of each Minister does not permit him to engage himself in any private business to earn his livelihood, a decent sum should be allowed by way of salary and allowance.

4. That as a measure of safeguard and check against corruption by the Ministers, handsome salary with allowance shall be paid.

So, for the reasons stated above, I recommend that the salary and other allowances contemplated in the Bill be fixed to the Ministers.

M. SANKAR LINGE GOWDA.

[As Amended by the Select Committee] 7 70

(Words sidelined or underlined indicate the amendments suggested by the Committee.)

THE MYSORE MINISTERS SALARIES AND ALLOWANCES BILL, 1952.

A Bill to provide for the salaries and allowances of the Ministers of the Mysore State and for matters connected therewith.

Whereas it is expedient to provide for the salaries and allowances of the Ministers of the Mysore State and for matters connected therewith; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Ministers Salaries and Allowances Act, 1952. Short title and commencement.

(2) It shall come into force at once.

2. In this Act, Definitions.

(*a*) "Government" means the State Government;

(*b*) (*i*) "maintenance" in relation to a residence includes the provision of electricity and water and the payment of local rates, taxes, sanitary charges and the salaries and allowances of butlers, gardeners and other servants appointed by the Government to be the staff attached to such residence;

(*ii*) "maintenance" in relation to a conveyance includes the payment of the salaries and allowances of the chauffeur or other person appointed by Government to be in charge of the conveyance and the expenses necessary for keeping the conveyance in proper working order, other than the expenses in respect of such matters as may be prescribed;

(*c*) "Minister" includes the Chief Minister;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "residence" includes the staff-quarters and other buildings appurtenant thereto and the gardens thereof.

Salaries and allowances of Ministers.

3. (1) *There shall be paid to the Chief Minister and each of the other Ministers of the Mysore State, a salary of rupees nine hundred per mensem, a conveyance allowance of rupees two hundred and fifty per mensem and a house rent allowance of rupees two hundred and fifty per mensem; but the house rent allowance shall not be paid to any Minister, if such Minister is provided by the Government with a residence in pursuance of sub-section (1) of section 4.*

(2) *There shall be placed at the disposal of the Chief Minister a sum of rupees five thousand per year as sumptuary allowance.*

Residences of Ministers at Bangalore.

4. (1) *The Government may provide for the use of each Minister, without payment of rent, a fully furnished residence in the City of Bangalore throughout his term of office, and for a period of fifteen days immediately thereafter, and no charge shall fall on the Minister personally in respect of the maintenance of such residence.*

(2) *In respect of a residence used by a Minister other than a residence provided under sub-section* (1), *such office accommodation as the Government may, by order, specify, shall be furnished and maintained at State expense.*

Accommodation to Ministers at Mysore.

5. *The Government may provide in the city of Mysore for the use of the Chief Minister a fully furnished residence, and for the use of each of the other Ministers a fully furnished residence or other accommodation, without payment of rent, and no charge shall fall on the Chief Minister or other Ministers personally in respect of the maintenance of such residence or accommodation.*

Conveyances for Ministers.

6. *The Government may purchase and provide suitable conveyances for the use of each Minister and save as otherwise provided by rules made by the Government, no charge shall fall on the Minister personally in respect of the maintenance and upkeep of such conveyance.*

Travelling and other allowances to the Ministers.

7. (1) *Every Minister shall be entitled while touring on duty connected with his office to travelling and daily or other allowance at the rates and upon the conditions specified in this section.*

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(2) *While touring on official business within the State, every Minister shall be entitled—*

(a) *for journeys by train, to railway fare in respect of one first class compartment for himself and four third class fares for personal servants and charges for luggage:*

Provided that the claim is supported by a certificate of the Minister that he reserved a first class compartment for himself and travelled by train with the number of servants and weight of luggage specified in such certificate:

Provided further that if the Minister travels by road instead of by railway train, the claim is supported by a certificate of the Minister specifying the number of servants travelled and the weight of luggage transported by train;

(b) *For journeys by road, whether by the conveyance provided under section 6 or otherwise, to road mileage at eight annas per mile for the first fifty miles and at five annas and four pies per mile for any distance beyond fifty miles travelled on one day;*

(c) *to daily allowance at rupees twenty-five per day for the days of halt at any place.*

(3) *While touring on official business outside the State, every Minister shall be entitled—*

(a) *for journeys by train, to railway fare in respect of two first class berths, four third class fares for personal servants and charges for luggage:*

Provided that the claim is supported by a certificate of the Minister that he travelled by train in first class with the number of servants and the weight of luggage specified in such certificate:

Provided further that if the Minister travels by road instead of by railway train, the claim is supported by a certificate of the Minister specifying the number of servants travelled and the weight of luggage transported by train;

(b) *for journeys by air, to one and a half times the single fare paid for such journeys;*

(c) *for journeys by road, whether by the conveyance provided under section 6 or otherwise, to road mileage at eight annas per mile for the first fifty miles and at five annas and four pies per mile for any distance beyond fifty miles travelled on one day;*

(d) *to an allowance equal to the actual expenditure incurred by the Minister for lodging, boarding and conveyance during the days of halt at any place, provided the claim is supported by a certificate of the Minister that he incurred the expenditure specified in such certificate.*

Medical attendance.

8. Subject to such conditions as may be prescribed, a Minister and the members of his family shall be entitled free of charge, to accommodation in hospitals maintained by the Government and to medical attendance and treatment.

Power to make rules.

9. (1) The Government may make rules for carrying out the purposes of this Act.

(2) All rules made under this section shall be published in the *Mysore Gazette* and on such publication shall have effect as if enacted in this Act.

G. S. VENKATARAMANA IYER,
Secretary.

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PART IV.

Section 2-A

MYSORE BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. 4703—L.A., dated Bangalore, the 15th July 1952.

As required by Rule 69 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the following report of the Select Committee on the Mysore Legislature Salaries Bill, 1952, with the Bill, is hereby published.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

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REPORT OF THE SELECT COMMITTEE ON THE MYSORE LEGISLATURE SALARIES BILL, 1952.

(Presented on 14th July 1952.)

We, the members of the Select Committee to which the Mysore Legislature Salaries Bill, 1952, was referred, have considered the several clauses of the Bill and have the honour to submit the following report :—

We are of the opinion that the salaries and allowances payable to and other amenities to be provided for to the Speaker of the Legislative Assembly and the Chairman of the Legislative Council should be the same as are payable to or provided for Ministers under the Mysore Ministers Salaries and Allowances Bill, 1952. We are also of the view that the Deputy Speaker and the Deputy Chairman should be paid a salary of three hundred and fifty rupees per mensem.

In regard to salaries to members, we consider that the extended duration of sessions requires a higher compensatory allowance than is provided for in the Bill and that they should be paid a salary of one hundred and fifty rupees per mensem and that it should be made payable, not from the date of taking the oath, but from the date of declaration of the result of election. The Bill should also provide for payment of daily allowance to mofussil members for a day before and a day after meetings as at present.

As we are informed that the Select Committee is not competent to effect these changes and that such amendments require the recommendation of the Rajpramukh, we have not effected the changes in the Bill but request the Government to move suitable amendments in the Assembly after obtaining the necessary recommendation.

The Bill was published in the *Mysore Gazette* Extraordinary dated the 19th June 1952. In our opinion the Bill has not been so altered as to require circulation.

A. G. RAMACHANDRA RAO
(*Chairman*)
J. MOHAMED IMAM *
H. S. RUDRAPPA
H. K. VEERANNA GOWDA
H. C. LINGA REDDY
M. LINGANNA
D. DEVARAJ URS
B. L. SUBBAMMA
B. HUTCHE GOWDA *
A. BHEEMAPPA NAIK
B. T. KEMPA RAJ
MULKA GOVINDA REDDY *
M. SANKAR LINGE GOWDA *

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* Subject to a minute of Dissent.

Sri K. G. Thimme Gowda was not present at the meeting of the Committee.

Minutes of Dissent.

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We are of opinion that the salaries of the Speaker of the Legislative Assembly and the Chairman of the Legislative Council may be fixed at Rupees eight hundred per month as provided in the Bill. They may each be paid a Conveyance Allowance of Rupees one hundred and fifty per month and a House Rent Allowance of Rupees two hundred.

The Deputy Speaker and the Deputy Chairman may be given a salary of Rupees three hundred per mensem each.

The Travelling and the Daily Allowances to the Speaker and the Chairman may be the same as provided for the Ministers under the Mysore Service Regulations.

J. MAHOMED IMAM,
B. HUTCHE GOWDA,
MULKA GOVINDA REDDY.

10th July 1952.

1. As a measure of economy, I object to the payment of salary to the members of the Legislature. Many of the income yielding Departments have been transferred to the Central Government at the time of integration. The existing sources of income are highly inelastic. The additional expense on this account will further shake the financial stability of our State. The deficit Budget we are now having before us does not warrant any fresh financial commitments.

2. That the payment of salary according to the Mysore Service Regulations contemplates or fixes definite legal responsibility on any person. But the responsibility of the Members of the Legislature is of a moral nature and has no legal binding. So, on this technical ground also, I differ from the opinion expressed by the members of the Committee.

3. That the members contested the elections with a spirit to render service to the State and not with any profit motive. When the salary is accepted by or paid to

the members after they get into the Legislature it contradicts or defeats the object with which they fought the elections. The word 'service' is sacred and its sanctity should not be spoiled by imputing any motive of personal profit. The membership of the Legislature contemplates a certain amount of sacrifice on the part of each member.

4. That with a view to satisfy Article 195 of the Constitution of India a sum of Rs. 25 (Rupees twenty-five only) per month may be fixed to each member of the Legislature.

M. SANKAR LINGE GOWDA.

THE MYSORE LEGISLATURE SALARIES BILL, 1952.

A Bill to provide for the salaries and allowances of the Speaker and the Deputy Speaker, the Chairman and the Deputy Chairman, and Members of the Legislative Assembly and of the Legislative Council.

WHEREAS it is expedient to provide by an Act of the Legislature for the salaries and allowances of the Speaker and the Deputy Speaker, the Chairman and the Deputy Chairman and Members of the Legislative Assembly and of the Legislative Council of the Mysore State: Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Legislature Salaries Act, 1952. Short title and commencement.

(2) It shall come into force at once.

2. In this Act,— Definitions.

(1) "Chairman" means the Chairman of the Legislative Council and includes any member performing the duties of a Chairman under clause (1) of Article 184 of the Constitution of India;

(2) "Deputy Chairman" means the Deputy Chairman of the Legislative Council;

(3) "Government" means the State Government;

(4) "maintenance" in relation to a residence includes the payment of local rates and taxes and the provision of electricity and water;

(5) "prescribed" means prescribed by rules made under this Act;

(6) "residence" includes the staff-quarters and other buildings appurtenant thereto, and the gardens thereof;

(7) "Speaker" means the Speaker of the Legislative Assembly and includes any member performing the duties of the Speaker under clause (1) of Article 180 of the Constitution of India.

(8) "Deputy Speaker" means the Deputy Speaker of the Legislative Assembly.

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Salaries and allowances of the Speaker and Deputy Speaker.

3. (1) *There shall be paid to the Speaker a salary of eight hundred rupees per mensem, a conveyance allowance of two hundred and fifty rupees per mensem, a sumptuary allowance of one thousand rupees per annum and a house rent allowance of two hundred rupees per mensem; but the house rent allowance shall not be paid to the Speaker if he is provided by the Government with a residence in pursuance of the provisions of sub-section* (1) *of section* 5.

(2) *There shall be paid to the Deputy Speaker a salary of two hundred and fifty rupees per mensem.*

Salaries and allowances of the Chairman and Deputy Chairman.

4. (1) *There shall be paid to the Chairman a salary of eight hundred rupees per mensem, a conveyance allowance of two hundred and fifty rupees per mensem, a sumptuary allowance of one thousand rupees per annum and a house rent allowance of two hundred rupees per mensem; but the house rent allowance shall not be paid to the Chairman if he is provided by the Government with a residence in pursuance of the provisions of sub-section* (1) *of section* 5.

(2) *There shall be paid to the Deputy Chairman a salary of two hundred and fifty rupees per mensem.*

Residences of Speaker and Chairman.

5. (1) *The Government may provide for the use of the Speaker and of the Chairman without payment of rent, a fully furnished residence in the City of Bangalore throughout his term of office, and for a period of fifteen days immediately thereafter, and no charge shall, except to the extent specified in sub-section* (2), *fall on the Speaker or the Chairman personally in respect of the maintenance of such residence.*

(2) *The charges for the supply of water to the dwelling portion of the residence and of electricity for heating and lighting purposes in the residence, not exceeding twenty rupees per mensem, shall be paid by the Speaker or Chairman using such residence.*

(3) *In respect of a residence used by the Speaker or Chairman other than a residence provided under sub-section* (1),

(a) *the Government shall furnish and maintain at public expense one room to be used as an office room, and*

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(b) *there shall be paid to the Speaker or Chairman, as the case may be, the amount in excess of twenty rupees payable by him for any month for the supply of water and electricity during the said month.*

Travelling and daily allowances of the Speaker and the Chairman.

6. (1) *The Speaker and the Chairman shall be entitled while touring on official business to travelling and daily allowances at the rates and upon the conditions specified in this section.*

(2) *While touring on official business within the State, the Speaker and the Chairman shall be entitled —*

(a) *for journeys by train, to railway fare in respect of one first class compartment for himself, four third class fares for personal servants and charges for luggage not exceeding ten maunds :*

Provided that the claim is supported by a certificate that the Speaker or the Chairman, as the case may be, reserved a first class compartment for himself and travelled by train with the number of servants and the weight of luggage specified in such certificate :

Provided further that if the Speaker or the Chairman travels by road instead of by railway train, the claim is supported by a certificate specifying the number of servants who travelled and the weight of luggage transported by train ;

(b) *for journeys by road, to road mileage at eight annas per mile for the first fifty miles and at five annas and four pies per mile for any distance beyond fifty miles travelled on one day ;*

(c) *to daily allowance at ten rupees per day for the days of halt at any place.*

Explanation.—'*Official business*' *for purposes of this section includes attendance at the convocation of the University of Mysore and attendance at such other conferences and official functions as may be specified, from time to time, by the Rajpramukh.*

(3) *While touring on official business outside the State, the Speaker and the Chairman shall be entitled —*

(a) *for journeys by train, to railway fare in respect of one first class compartment of three berths or two first*

class fares, four third class fares for personal servants and charges for luggage not exceeding ten maunds:

Provided that the claim is supported by a certificate that the Speaker or the Chairman, as the case may be, reserved a first class compartment or a first class berth as the case may be, and travelled by train with the number of servants and the weight of luggage specified in the certificate:

Provided further that if the Speaker or the Chairman travels by road instead of by railway train, the claim is supported by a certificate specifying the number of servants who travelled and the weight of luggage transported by train;

(b) *for journeys by air, to one and a half times the single daily allowance admissible in addition to the actual plane fare paid for such journeys;*

(c) *to daily allowance at—*

(i) *two and a half times the daily allowance specified in item (c) of sub-section (2), at Bombay and Delhi; and*

(ii) *one and a half times the daily allowance specified in item (c) of sub-section (2), at other places.*

For the days of journey by rail and for the days of halt at any place.

(4) *In addition to the allowances specified in sub-section (2), the Speaker and the Chairman shall, until otherwise ordered by the Rajpramukh, be entitled to thirty-three and one-third per cent of the road mileage and daily allowances payable under the said sub-section.*

Salaries of members of the Legislative Assembly and the Legislative Council.

7. *There shall be paid to every member of the Legislative Assembly or of the Legislative Council a salary of one hundred rupees per mensem, from the date on which he takes his oath under article* 188 *of the Constitution of India.*

Travelling and daily allowances of members of the Legislative Assembly and the Legislative Council.

8. *Subject to such conditions as may be determined by rules made under this Act,*

(a) *there shall be paid to members of the Legislative Assembly and of the Legislative Council not ordinarily resident within prescribed distances from the place at which their attendance is required in connection with their duties as members, travelling allowance for journeys*

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by train at the rate of twice the first class fare and for journeys by road at eight annas per mile;

(b) *there shall be paid to all members daily allowance for attending meetings at the rate of fifteen rupees per diem.*

Explanation.—*For the purposes of this section "meeting" means a meeting of the Legislative Assembly or of the Legislative Council or of any Committee of the said Assembly or Council or of both.*

Minister, Speaker and Deputy Speaker, and Chairman and Deputy Chairman, not to draw salaries as members.

9. (1) A Minister, the Speaker or the Chairman shall not—

(*a*) during the tenure of his office for which he draws salary and allowances, practise any profession or engage in any trade or undertake for remuneration any employment other than his duties as Minister, Speaker or Chairman, as the case may be, and

(*b*) while he draws salary and allowances for his office, be entitled to any salary or allowances as a member of the Legislative Assembly or of the Legislative Council, as the case may be.

(2) The Deputy Speaker or the Deputy Chairman shall not, while he draws salary for his office, be entitled to any salary as a member of the Legislative Assembly or of the Legislative Council, as the case may be.

Saving.

10. Nothing in this Act shall prevent a retired Government servant from drawing his pension in addition to any salary or allowances to which he may be entitled to under this Act.

Power of Government to make rules.

11. (1) The Government shall, as soon as may be, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules,

(*a*) prescribing the periods during which and the conditions under which daily allowance may be drawn by a member of the Legislative Assembly or the Legislative Council; and

(*b*) prescribing the distances referred to in section 8 for the grant of travelling allowance.

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(3) All rules made under this Act shall be published in the *Mysore Gazette* and on such publication shall have effect as if enacted in this Act.

Repeal of Mysore Act II of 1951.

12. The Mysore Payment of Salaries and Allowances to Members of the Legislative Assembly Act, 1951, is hereby repealed.

G. S. VENKATARAMANA IYER,
Secretary.

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PART IV

Section—1-A.

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. L.D. 647—Legis. 3-52-5, dated Bangalore, 4th July 1952.

Ordered that the Constitution (Second Amendment) Bill, 1952, the Delimitation Commission Bill, 1952 and the Repealing and Amending Bill, 1952, which were introduced in the House of the People on the 18th June 1952 and published in the *Gazette of India*, Part II, Section 2, dated the 21st June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

HOUSE OF THE PEOPLE.

The following Bills were introduced in the House of the People on 18th June 1952:—

BILL NO. 54 OF 1952.

A Bill further to amend the Constitution of India.

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Constitution (Second Amendment) Act, 1952.

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2. **Amendment of article 81.**—In sub-clause (b) of clause (1) of article 81 of the Constitution, for the figures "750,000" the figures "850,000" and for the figures "500,000" the figures "650,000" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

Article 81 (1) (a) prescribes an absolute limit of 500 elected members in the House of the People. Article 81 (1) (b) provides that the States shall be divided, grouped or formed into territorial constituencies and the number of members to be allotted to each such constituency shall be so determined as to ensure that there shall be not less than one member for every 750,000 of the population and not more than one member for every 500,000 of the population.

The present delimitation of Parliamentary and Assembly Constituencies is based on the estimates of population which have been given legal validity by an order of the President under article 387 of the Constitution. Article 81 (3) of the Constitution, however, requires that upon the completion of each census, the representation of the several territorial constituencies in the House of the People and the Legislative Assemblies of ea h State shall be re-adjusted by such authority, in such manner and with effect from such date as Parliament may by law determine. A Bill providing for the matters referred to in that article is being introduced in Parliament. Provision has been made in that Bill for the setting up of a Delimitation Commission for the purpose of effecting re-adjustment of the representation in the House of the People and in the State Legislative Assemblies on the basis of the population as ascertained at the census of 1951.

There is a considerable difference between the population of the several States as estimat d in the President s order and in the population as ascertained at the census of 1951. At present, seets have been allotted in the House of the People to Part A and Part B States on the basis of one member for every 7·2 lakhs of the estimated population giving a total of 470 members to these States. The census figures are higher in all cases, and in view of the overall limit of 500 members prescribed in article 81(1)(a), it is not possible to increase appreciably the total number of seats allotted to these States. It is accordingly necessary to reduce the representation from one member for every 7·2 lakhs of population to one member for every 7·5 lakhs of population as per 1951 census. As pointed out above, this figure 7·5 lakhs is the maximum permissible under article 81(1)(b) as it now stands; but even so, if the average population of a Parliamentary Constituency in any State is to be 750,000, it is obvious that the population of a certain number of constituencies will exceed that figure. It is necessary, therefore, that article 81 (1) (b) should be amended relaxing the limits prescribed in that article so as to avoid a constitutional irregularity in delimiting constituencies for the purpose of re-adjustment of representation in the House of the People as required under article 81 (3) of the Constitution. This Bill accordingly seeks to amend article 81 (1) (b) of the constitution so as to replace the figures mentioned in that article by the figures 850,000 and 650,000 respectively.

C. C. BISWAS.

NEW DELHI;
The 19th May, 1952.

BILL* NO. 53 OF 1952. 787

A Bill to provide for the re-adjustment of the representation of territorial constituencies in the House of the People and in the State Legislative Assemblies and for matters connected therewith.

BE it enacted by Parliament as follows:—

1. Short title.—This act may be called the Delimitation Commission Act, 1952.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "article" means an article of the constitution;

(*b*) "Commission" means the Delimitation Commission constituted under section 3;

(*c*) "member" means a member of the Commission and includes the Chairman.

3. Constitution of Delimitation Commission.—(1) As soon as may be after the commencement of this Act, the Central Government shall constitute a Commission to be called the Delimitation Commission which shall consist of three members as follows:—

(*a*) two members, each of whom shall be a person who is or has been a Judge of the Supreme Court or of a High Court, to be appointed by the Central Government, and

(*b*) the Chief Election Commissioner, *ex-officio.*

(2) The Central Government shall nominate one of the members appointed under clause (*a*) of sub-section (1) to be the Chairman of the Commission.

4. Duties of the Commission.—It shall be the duty of the Commission to re-adjust the representation of the several territorial constituencies in the House of the People and of the several territorial constituencies in the Legislative Assembly of each State other than Jammu and Kashmir, on the basis of the population as ascertained at the census held in 1951.

5. Associate members.—(1) The Commission shall associate with itself such number of persons not being less than two or more than four from each State other than Jammu and Kashmir as may be determined by it, for the purpose of assisting the Commission when it considers the re-adjustment of the representation of the territorial constituencies, both for the House of the People and Legislative Assembly, in that State.

(2) The persons to be so associated from each State shall be nominated by the Speaker of the Legislative Assembly of the State from among the members of that Assembly and the members of the House of the People representing that State:

Provided that in the case of a Part C State having no Legislative Assembly the members to be so associated shall be the members of the House of the People representing that State.

(3) None of the persons so associated with the Commission shall have a right to vote or to sign any final decision of the Commission.

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*The President has, in pursuance of clause (3) of article 117 of the Constitution of India, recommended to the House of the People the consideration of the Bill.

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6. Procedure and powers of the Commission.—(1) The Commission shall determine its procedure and shall in the performance of its functions have all the powers of a civil court under the Code, of Civil Procedure, 1908 (Act V of 1908), while trying a suit, in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of witnesses;

(*b*) requiring the production of any document; and

(*c*) requisitioning any public record from any court or office.

(2) The commission shall have power to require any person to furnish any information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission.

(*3*) The Commission may authorise any of its members to exercise any of the powers conferred on it by clauses (*a*) to (*c*) of sub-section (*1*) and sub-section (*2*), and any order made or act done in exercise of any of those powers by the member authorised by the Commission in that behalf shall be deemed to be the order or act, as the case may be, of the Commission.

(*4*) The Commission shall be deemed to be a civil court for the purposes of Sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

Explanation.—For the purposes of enforcing the attendance of witnesses the local limits of the jurisdiction of the Commission shall be the limits of the territory of India.

7. Manner of making readjustment.—In making readjustment of the representation of the several territorial constituencies in the House of the People and in the Legislative Assembly of each State other than Jammu and Kashmir the Commission shall have regard to the following provisions, namely:—

(*a*) The Commission shall first determine the total number of seats to be allotted to the various States in the House of the People, on the basis of the population as ascertained at the census held in 1951 by making such additions to, or reductions in, the number of seats allotted to those States under the Representation of the People Act, 1950 (XLIII of 1950), as it may consider necessary, and in doing so shall have regard to the provisions of clause (*1*) of Article 81.

(*b*) The Commission shall then determine the total number of seats to be assigned to the Legislative Assemblies of Part A and Part B States on the basis of the population as ascertained at the census held in 1951 and in doing so shall have regard to the provisions of clause (*2*) of Article 170 and shall also ensure that the total number of seats assigned to the Legislative Assembly of a State forms an integral multiple of the total number of seats allotted to that State in the House of the People.

(*c*) After having determined the number of seats under clause (*a*) and clause (*b*), the Commission shall distribute those seats and the seats allotted to each of the Legislative Assemblies of Part C States under Section 3 of the Government of Part C States Act, 1951 (XLIX of 1951), to the various territorial constituencies the boundaries of which shall be redrawn by the Commission in accordance with the provisions of the Constitution on the basis of the population as ascertained at the census held in 1951.

(*d*) In delimiting the said constituencies the Commission shall ensure that geographically contiguous areas are, as far as possible, grouped together to form one constituency and shall also take into consideration the physical features of the constituency.

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8. Readjustment of representation and the date of operation of such readjustment.—(*1*) On the completion of its work the Commission shall embody its conclusions in one or more formal order or orders, draw up a report explaining the reasons for the conclusions so embodied, and cause the report and order or orders to be published in the *Gazette of India*; and upon such publication, the order or orders shall have the full force of law.

(*2*) Subject to the provisions of sub-section (*3*), the readjustment of the representation of the several territorial constituencies in the House of the People or in the Legislative Assembly of a State provided for in any order made by the Commission under sub-section (*1*) shall apply in relation to every election to the House of the People or to the Legislative Assembly of such State, as the case may be, held after the publication in the *Gazette of India* of that order, and shall so apply in supersession of the provisions relating to such representation contained in the Representation of the People Act, 1950 (XLIII of 1950), the Government of Part C States Act, 1951 (XLIX of 1951) and the orders made under either of the said Acts.

(*3*) Nothing in this section shall affect the representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the House or the Assembly, as the case may be, existing on the date of publication in the *Gazette of India* of the order made by the Commission under sub-section (*1*) relating to the readjustment of such representation.

9. Power to amend the order after the Commission has ceased to function.—After the Commission has ceased to function any mistake in the order made by the Commission under sub-section (*1*) of Section 8 or any error arising therein from any slip or omission may be corrected, and any other change which is not of a substantial character may be also made therein by the Chief Election Commissioner by order published in the *Gazette of India*.

STATEMENT OF OBJECTS AND REASONS.

Articles 81(3) and 170(4) of the Constitution provide that upon the completion of each census the representation of the several territorial constituencies in the House of the People and in the Legislative Assembly of each State shall be readjusted by such authority, in such manner and with effect from such date, as Parliament may by law determine. The present delimitation of Parliamentary and Assembly constituencies is based on the estimates of population which have been given legal authority by an order of the President under article 387 and are accordingly restricted to elections held during the first three years after the commencement of the Constitution. If any general election has to be held after the 26th January 1953, it will not be constitutionally correct to do so on the basis of the existing delimitation of constituencies. A "readjustment of representation" under articles 81(3) and 170(4) is therefore necessary.

The object of the Bill is to set up a Delimitation Commission for the purpose of effecting readjustment of the representation in the House of the People and in the State Legislative Assemblies (including those of Part C States) on the basis of the population as ascertained at the census of 1951. The Bill also seeks to lay down certain instructions as to the manner in which such readjustment will be made for the guidance of the Delimitation Commission. These instructions are generally based on the provisions of articles 81(1) and 170(2) of the Constitution and the procedure followed in assigning seats to the State Legislative Assemblies and in delimiting Parliamentary and Assembly constituencies under the Representation of the People Act, 1950. It has been also provided in the Bill that the readjustment will apply to every general election to the House of the People or to a

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State Legislative Assembly held after the final orders of the Commission have been published, and to every bye-election arising from such general election.

C. C. BISWAS.

NEW DELHI;
The 19*th May*, 1952.

Financial Memorandum

The Delimitation Commission Bill contemplates the setting up of a Delimitation Commission for the purpose of effecting readjustment of the representation in the House of th People and in the State Legislative Assemblies on the basis of the population as ascertained at the census held in 1951, as required under clause (*3*) of article 81 and clause (*4*) of article 170 of the Constitution.

The Commission is to consist of three members of whom two shall be appointed from among persons who are or have been judges of the Supreme Court or of a High Court and the Chief Election Commissioner shall be an *ex-officio* member of the Commission. The Commission shall also associate with itself persons nominated by the Speakers of the several Legislative Assemblies for assisting the Commission. The Commission will also have a small office staff. It is difficult to anticipate how long the Commission will take to complete its work or to make an estimate of its expenditure. As far as can be anticipated, the cost involved will be about Rs. 2,00,000 (non-recurring) for a period of about six months. The estimate is necessarily a rough one.

BILL NO. 55 OF 1952

A Bill to repeal certain enactments and to amend certain other enactments.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Repealing and Amending Act, 1952.

2. Repeal of certain enactments.—The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

3. Amendment of certain enactments.—The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

4 Savings.—The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to ;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing ;

nor shall this Act affect any principle or rule of law, or established jurisdiction, from or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby repealed ;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

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THE FIRST SCHEDULE

REPEALS

(*See* section 2)

Year	No.	Short title	Extent of repeal
1	2	3	4
		Regulations	
1818	III	The Bengal State Prisoners Reguiation, 1818.	The whole.
1819	II	The Madras State Prisoners Regulation, 1819.	The whole.
1827	XXV	The Bombay State Prisoners Regulation, 1827.	The whole.
		Acts of the Governor-General of India in Council.	
1839	XX	The Bombay Haqqa Prohibition Act, 1839.	The whole.
1839	XXIV	The Ganjam and Vizagapatam Act, 1839.	The whole.
1839	XXIX	The Dower Act, 1839	The whole.
1841	XXIV	The Illusory Appointments and Infants' Property Act, 1841.	The whole.
1843	V	The Indian Slavery Act, 1843	The whole.
1846	I	The Legal Practitioners Act, 1846 ...	The whole.
1850	XXXIV	The State Prisoners Act, 1850	The whole.
1853	XX	The Legal Practitioners Act, 1853 ...	The whole.
1854	XXXI	The Conveyance of Land Act, 1854 ...	The whole.
1855	XI	The Mesne Profits and Improvements Act, 1855.	The whole.
1855	XXIII	The Mortgaged Estates Administration Act, 1855.	The whole.
1858	III	The State Prisoners Act, 1858	The whole.
1866	XXVII	The Indian Trustees Act, 1866	The whole.
1866	XXVIII	The Trustees' and Mortgagees' Power Act, 1866.	The whole.
1867	XXIII	The Punjab Murderous Outrages Act, 1867.	The whole.
1870	VIII	The Female Infanticide Prevention Act, 1870.	The whole.
1881	I	The Taj Mahal's Pension Act, 1881 ...	The whole.
1884	II	The Madras Partition-deeds (Validation) Act, 1884.	The whole.
1898	VI	The Indian Post Office Act, 1898 ...	Section 77.
1898	X	The Indian Insolvency Rules Act, 1898 ...	The whole.
1908	V	The Code of Civil Procedure, 1908 ...	Sections 154 and 155 and the Fourth Schedule.
1911	I	The Opium (Amendment) Act, 1911 ...	The whole.
1917	XXVI	The Transfer of Property (Validating) Act, 1917.	The whole.

Year	No.	Short title	Extent of repeal
1	2	3	4
		Acts of the Indian Legislature.	
1924	XIII	The Indian (Specified Instruments) Stamp Act, 1924.	The whole.
1925	XXII	The Salt Law Amendment Aet, 1925 ...	The whole.
1929	X	The Indian Census Act, 1929 ...	The whole.
1932	VIII	The Bengal Criminal Law Amendment (Supplementary) Act, 1932.	The whole.
1933	IX	The Provincial Criminal Law Supplementing Act, 1933.	The whole.
1940	XVIII	The National Service (European British Subjects) Act, 1940.	The whole.
1941	II	The Indian Merchandise Marks (Amendment) Act, 1941.	The whole.
1941	XXI	The Federal Court Act, 1941 ...	The whole.
1942	XIII	The Agricultural Produce (Grading and Marking) (Amendment) Act, 1942.	The whole.
1942	XIV	The India nTolls (Army) (Amendment) Act, 1942.	The whole.
1942	XXVI	The Federal Court (Supplemental Powers) Act, 1942.	The whole.
		Acts of the Dominion Legislature.	
1949	III	The Indian Emigration (Amendment) Act, 1949.	The whole.
1949	V	The Protective Duties (Amendment) Act, 1949.	The whole.
1949	VI	The Public Debt (Central Government) Amendment Act, 1949.	The whole.
1949	IX	The Code of Criminal Procedure (Amendment) Act, 1949.	The whole.
1949	XI	The Railways (Transport of Goods) Amendment Act, 1949.	The whole.
1949	XII	The Protective Duties (Miscellaneous Provisions Act, 1949.	The whole.
1949	XV	The Code of Criminal Procedure (Second Amendment) Act, 1949.	The whole.
1949	XVI	The Governor-General's Salary (Exemption from Taxation) Act, 1949.	The whole.
1949	XVII	The Criminal Law (Removal of Racial Discriminations) Act, 1949.	The whole.
1949	XIX	The Essential Supplies (Temporary Powers) amendment Act, 1949.	The whole.
1949	XXVI	The Indian Tea Control (Amendment) Act. 1949.	The whole.
1949	XXVII	The Bombay Port Trust (Amendment) Act, 1949.	The whole.

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Year	No.	Short title	Extent of repeal
1	2	3	4
		Acts of the Dominion Legislature—contd.	
1949	XXVIII	The Coal Mines Labour Welfare Fund (Amendment) Act, 1949.	The whole.
1949	XXIX	The Dock workers (Regulation of Employment) Amendment Act, 1949.	The whole.
1949	XXX	The Public Companies (Limitation of Dividends) Act, 1949.	The whole.
1949	XXXI	The Indian Wireless Telegraphy (Amendment) Act, 1949.	The whole.
1949	XXXII	The Code of Civil Procedure (Amendment) Act, 1949.	The whole.
1949	XXXIII	The Rubber (Production and Marketing) Amendment Act, 1949.	The whole.
1949	XXXIV	The Coffee Market Expansion (Amendment) Act, 1949.	The whole.
1949	XXXV	The Indian Succession (Amendment) Act, 1949.	The whole.
1949	XXXVI	The Indian Passport (Amendment) Act 1949.	The whole.
1949	XXXVII	The Registration of Foreigners (Amendment) Act, 1949.	The whole.
1949	XXXVIII	The Chartered Accountants Act, 1949.	Section 33.
1949	XXXIX	The Cinematograph (Amendment) Act, 1949.	The whole.
1949	XL	The Repealing and Amending Act, 1949.	The whole.
1949	XLI	The Child Marriage Restraint (Amendment) Act, 1949.	The whole.
1949	XLII	The Indian Penal Code and the Code of Criminal Procedure (Amendment) Act, 1949.	The whole.
1949	XLIII	The Indian Tariff (Second Amendment) Act, 1949.	The whole.
1949	XLIV	The Reserve Bank of India (Amendment) Act, 1949.	The whole.
1949	XLV	The Industrial Finance Corporation (Amendment) Act, 1949.	The whole.
1949	XLVII	The Indian Arms (Amendment) Act, 1949.	The whole.
1949	XLIX	The Essential Supplies (Temporary Powers) Second Amendment Act, 1949.	The whole.
1949	L	The Rubber (Production and Marketing) Amendment Act, 1949.	The whole.
1949	LII	The Merchant Shipping and Lighthouse (Amendment) Act, 1949.	The whole.
1949	LIV	The Industrial Disputes (Banking and Insurance Companies) Act, 1949.	Section 3.
1949	LVI	The Indian Railways (Amendment) Act, 1949.	The whole.

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Year	No.	Short title	Extent of repeal
1	2	3	4
		Acts of the Dominion Legislature—concld.	
1949	LVII	The Electricity (Supply) Amendment Act, 1949.	The whole.
1949	LVIII	The Inland Steam-vessels (Amendment) Act, 1949.	The whole.
1949	LXIII	The Imports and Exports (Control) Amendment Act, 1949.	The whole.
		Ordinance made by the Governor-General.	
1945	XLVII	The International Monetary Fund and Bank Ordinance, 1945.	Section 6.

THE SECOND SCHEDULE.

AMENDMENTS.

(*See* section 3)

Year	No.	Short title	Amendments
1	2	3	4
		Acts of the Governor-General of India in Council.	
1860	XLV	The Indian Penal Code.	In section 42, the words "the territories comprised in" shall be omitted.
1872	III	The Special Marriage Act, 1872.	In clause (*2*) of section 2 and in Item 3 of the 'Declaration to be made by the Bride' in the Second Schedule, for the word "fourteen" the word "fifteen" shall be substituted.
1872	XV	The Indian Christian Marriage Act, 1872.	In Section 81,— (*i*) the words and figures "and the officers appointed under section 56" shall be omitted, and (*ii*) for the words "them respectively", wherever they occur, the word "him" shall be substituted.
1882	IV	The Transfer of Property Act, 1882.	In section 69, the words and figures "Notwithstanding anything contained in the Trustees' and Mortgagees' Powers Act, 1866" shall be omitted.

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Year	No.	Short title	Amendments
1	2	3	4
		Acts of the Governor-General of India in Council—contd.	
1890	IX	The Indian Railways Act, 1890.	In sub-section (1) of Section 47, for the words beginning with "Every railway company" and ending with "for the following purposes, namely" the following words shall be substituted, namely :— "Every railway company and in the case of a railway administered by the Governe ment, an officer to be appointed by th- Central Government in this behalf shall make general rules consistent with this Act for the following purposes, namely".
1898	IX	The Live-stock Importation Act, 1898.	In sub-section (*1*) of section 3, for the words and letters "the territories for the time being comprised within Part A States and Part C States" the words "the territories to which this Act extends" shall be substituted.
1911	II	The Indian Patents and Designs Act, 1911.	(*i*) In clause (*7*) of section 2, the words "with reference to any area" shall be omitted. (*ii*) In sub-section (*2*) of section 23F, the words "and accompanied by the prescribed fee" shall be omitted.
1913	III	The Administrator-General's Act, 1913.	(*i*) In sections 15 and 16, after the figures "1893" the word "or" shall be inserted. (*ii*) For section 17 the following section shall be substituted, namely :— "17. *Power to grant Administrator General letters limited to purpose of dealing with assets in accordance with the Regimental Debts Act, 1893, or the Army and Air Force (Disposal of private Property) Act, 1950.*—If the Administrator-General applies in accordance with the provisions of the Regimental Debts Act, 1893, or the Army and Air Force (Disposal of Private Property) Act, 1950, for letters of administration of the estate of any person subject to the Army Act or the Air Force Act or the Army Act, 1950 (XLVI) of 1950), or the Air Force Act, 1950 (XLV of 1950), the court may grant to him letters of administration limited to the purpose of dealing with such estate in accordance with the provisions of the Regimental Debts Act, 1893, or, as the case may be, the Army and Air Force (Disposal of Private Property Act, 1950 (XL of 1950)."

Year	No.	Short title	Amendments
1	2	3	4
		Acts of the Governor-General of India in Council—concld.	
1922	VIII	The Delhi University Act, 1922.	In sub-section (*4*) of section 29, for the word "Statutes" the word "Statute" shall be substituted.
1922	XIII	The Ranchi Mental Hospital Act, 1922.	In sub-section (*1*) of section 4, for clauses (*e*) and (*f*) the following clauses shall be substituted, namely :— "(*c*) one Trustee elected by the association registered under the Indian Companies Act, 1913 by the name of the United Kingdom Citizens' Association ; and (*d*) one Trustee elected by the association registered under the Indian Companies Act, 1913 (VII of 1913) by the name of the All India Anglo-Indian Association ;".
		Acts of the Indian Legislature.	
1923	V	The Indian Boilers Act, 1923.	In clause (*d*) of sub-section (*2*) of section 27A, for the words "Chief Commissioner of Railways" the words "Chairman, Railway Board" shall be substituted.
1923	XIV	The Indian Cotton Cess Act, 1923.	In item (*i*) of section 4 and in sub-section (*2*) of section 5, for the word "Vice-Chairman" the word "Vice-President" shall be substituted.
1925	XXXIX	The Indian Succession Act, 1925.	(*i*) In section 318, the words "of India" shall be omitted. (*ii*) In section 380, in the first paragraph the word "all" and in the last paragraph the words "of India" shall be omitted. (*iii*) In column 2 of the first table under the heading "Debts" in Schedule VIII, for the word "Number" the word "Name" shall be substituted.
1939	IV	The Motor Vehicles Act, 1939.	In clause (*g*) of sub-section (*1*) of section 108, for the words "Superintendent of Insurance", in both the places where they occur, the words "Controller of Insurance" shall be substituted.
1940	V	The Trade Marks Act, 1940.	In sub-section (*2*) of section 84, clause (*ll*) shall be omitted.
1944	I	The Central Excises and Salt Act, 1944.	In column 3 of item 5 of the First Schedule, the words, figures and brackets "For the year ending the 31st day of March, 1944, the rate fixed by section 2 of the Indian Finance Act, 1943, read with section 5 of the Indian Finance (Supplementary and Extending) Act, 1931 and thereafter" shall be omitted.

Year	No.	Short title	Amendments
1	2	3	4
		Acts of Parliament.	
1950	XXIX	The Transfer of Prisoners Act, 1950.	In clause (*b*) of section 2, for the words "Chief Commissioner" the words "Lieutenant Governor or, as the case may be, the Chief Commissioner" shall be substituted.
1950	XXX	The Part C States (Laws) Act, 1950.	In section 2, the following words shall be omitted, namely:— "and, provision may be made in any enactment so extended for the repeal or amendment of any corresponding law (other than a Central Act) which is for the time being applicable to that Part C State."
1950	XXXI	The Administration of Evacuee Property Act, 1950.	In clause (*q*) of sub-section (2) of section 56, for the word and figures "section 38" the word and figures "section 40" shall be substituted.
1950	LXXII	The Essential Supplies (Temporary Powers) Amendment Act, 1950.	In section 1. after the words and brackets "(Temporary Powers)" the word "Second" shall be inserted.
1951	III	The Part B States (Laws) Act, 1951	(*i*) In section 6, for the words "the Act" the words "this Act" shall be substituted. (*ii*) Under the heading "The Indian Christian Marriage Act, 1872" for the direction "For the definition of 'India' substitute", the direction "After the definition of 'church', insert the following definition" shall be substituted. (*iii*) The entry relating to the Displaced Persons (Legal Proceedings) Act, 1949 (XXV of 1949) shall be omitted.
1951	XXXV	The Port Trusts and Ports (Amendment) Act, 1951.	In section 83, after the figures "117" the figures "119" shall be inserted.
1951	LVI	The Press (Objectionable Matter) Act, 1951.	In the Second Schedule— (*i*) In item 12, for the words "The Travancore-Cochin Safety Measures Act" the words "The Travancore-Cochin Public Safety Measures Act" shall be substituted. (*ii*) After item 13, the following item shall be inserted, namely:— "14. The Hyderabad Public Security Measures Act, 1951 (XXIX of 1951)".

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Acts of Parliament—concld.

Year	No.	Short title	Amendments
1	2	3	4
1951	LXIII	The State Financial Corporations Act, 1951.	In the second proviso to section 43, for the word "its" the word "his" shall be substituted.
1952	IX	The Indian Independence Pakistan Courts (Pending Proceedings) Act, 1952.	In item (*iii*) of section 2, after the word, figure and brackets "paragraph (6)" the words and figures "of article 13" shall be inserted.
		Ordinance made by the Governor-General.	
1945	XLVII	The International Monetary Fund and Bank Ordinance, 1945.	In section 3, the word "British" shall be omitted.
		Act of the Governor of Bombay in Council.	
1879	VI	The Bombay Port Trust Act, 1879.	In section 43, for the words "Great Indian Peninsula and the Bombay, Baroda and Central and India Railway Companies" the words "Central Railway and the Western Railway" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

This Bill is one of those periodical measures by which enactments which have ceased to be in force or have become obsolete or the retention whereof as separate Acts is unnecessary are repealed or by which formal defects detected in enactments are corrected. This Bill has been prepared after due consultation with State Governments in so far as the Bill relates to the repeal of certain old and obsolete laws.

The Notes which follow explain the reasons for the repeal or amendment suggested in such of those items of the Bill in respect whereof some detailed explanation is necessary.

Clause 4 of the Bill contains a precautionary provision which it is usual to include in Bills of this kind.

Except for a few further additions this Bill is the same as the Repealing and Amending Bill which was introduced in the Provisional Parliament on the 1st October, 1951, and was pending before it on its dissolution.

C. C. BISWAS.

NEW DELHI,
The 12th June 1952.

Notes on Clauses.

THE FIRST SCHEDULE.

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The Bengal State Prisoners Regulation, 1818, the Madras State Prisoners Regulation, 1819, and the Bombay State Prisoners Regulation, 1827.—The Preventive Detention Act, 1950, has superseded these Regulations for all practical purposes. Further, some of the provisions contained in these Regulations are of doubtful validity in view of the Constitution.

The Bombay Haqqa Prohibition Act, 1839.—This relic of the past which extends only to the State of Bombay, prohibits the levy of haqs, fees and duties of customs by holders of rent-free lands, and is now both out of date and unnecessary.

The Ganjam and Vizagapatam Act, 1839, is being repealed as obsolete.

The Dower Act, 1839.—This Act has been repealed as to marriages contracted before 1st January, 1866, by Act VIII of 1868 It has necessarily become spent even with respect to the very limited class of cases to which it applies by reason of section 15 of, and the preamble to, the Act, that is to say, to cases in which the English law of Dower would have applied. It is now being repealed as obsolete.

The Illusory Appointments and Infants' Property Act, 1841.—Acts like these are anachronisms at the present day. They apply, if at all, to cases which would have been governed by English law administered by the old Supreme Courts previous to 1841, that is to say, mainly to Englishmen in the presidency-towns. Much of the English law applied to India by this Act has been repealed long ago even in England, and there is no need to perpetuate this Act in India, with all its attendant confusion caused by its unfamiliar land-tenure terms.

The Indian Slavery Act, 1843, is being repealed as otiose.

The Legal Practitioners Act, 1846, and the Legal Practitioners Act, 1853.—These Acts amend the law relating to pleaders in the courts of the East India Company and are obviously obsolete, and have already been repealed in places to which the Legal Practitioners Act, 1879, applies. These Acts are now being formally repealed.

The State Prisoners Act, 1850.—The Preventive Detention Act, 1950, now contains the law on the subject.

The Conveyance of Land Act, 1854.—This is a relic of the past, and applies only to cases in which English law applies. Much of the technicalities of the English law introduced into India by this Act has already been removed by the Law of Property Act, 1925, in England, and there is no justification for the retention of this Act in our Statute-book to apply, if at all, to a few Englishmen.

A powerful judgment in 4 Bom., H.C.R., p. 1, regarding the extent to which English law was applicable to territories acquired by conquest, produced curious results in certain cases (see 6, Bom. 363, where the Statute of Frauds was held applicable to Parsis), and even assuming (without justification) that there is still room for this law to apply, it is time that every one was brought under the ordinary law of the land contained in the Transfer of Property Act and other allied Acts.

Similar considerations apply to the repeal of the *Mesne Profits and Improvements Act, 1885*, and the *Mortgaged Estates Administration Act, 1855.*

The State Prisoners Act, 1958, is being repealed for the same reasons as those given in respect of the State Prisoners Act, 1850.

The Indian Trustees Act, 1866, and the Trustees' and Mortgagees' Powers Act, 1866.—The powers and authority given by these two Acts are to be exercised

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only in cases in which the English law is applicable. Notwithstanding this injunction, West J., in 5 Bom., 154, extended the principles of the Trustees Act to Hindus in the following words :—

> " Sections 3 of the Indian Trustees Act, 1866, cannot be intended to limit the operation of the Act only to cases in which, in their whole extent, the law prevailing in England applies without qualification or reserve, as this would virtually exclude the Acts in any case on which an Act of the Indian Legislature has any bearing. The cases referred to in the section must be cases to which English law is *in some measure* applicable, but in what measure is not indicated in the Act. The English law must be regarded as applicable in the sense intended, if the principles recognised by the English Equity Courts as applicable ".

The Indian Trusts Act, 1882, has now codified the law of trusts and the object of the Bill was expressly stated to be to codify the law of trusts as Acts XXVII of 1866 and XXVIII of 1866 were incomplete on the subject and were of very limited application. The Indian Law Commission in considering codification of the law of trusts stated :—

> " The Courts are introducing, and from the necessities of the case must introduce, the English law of trusts indiscriminately, unless the law distinctly says how far they may go. Trusts created by an old man for his own maintenance and ulterior purposes, for a widow, stepdaughter or daughter-in-law, and her children, are of pretty frequent occurrence among the natives of India, and it is desirable to keep them free from the complication of double estates, in which without the intervention of the Legislature they are certain to become entangled. .....But apart from the native property holder, there is the large body of domiciled Europeans and Eurasians, who have for nearly a century enjoyed and taken advantage of a trust law recognised by our Courts, and now that the number and wealth of this class has increased and every Court in the country may be called upon to administer a trust law, the question of the advisability of its codification seems no longer open to discussion".

These Acts are, therefore, now being repealed firstly, because they are a relic of the past and applies, if at all, to a limited class of cases and in a limited measure and secondly, because the law on the subject is now to be found codified in the Trust Act or in the Transfer of Property Act. Incidentally the English Act, on which the 1866 Act is based has itself undergone considerable modifications and is now consolidated in the Trustee Act, 1925 of England.

The Punjab Murderous Outrages Act, 1867.—This Act is of doubtful utility under modern conditions. It would also appear to offend against the principle of equality before the law and equal protection of laws. Punjab Government has no objection to its repeal.

The Female Infanticide Prevention Act, 1870.—This Act has ceased to be of any utility, and should be removed from the Statute-book as being a blot thereon.

The Taj Mahal's Pension Act, 1881.—This Act is being repealed as spent. The Government of Uttar Pradesh has no objection to its repeal.

The Madras Partition-deeds (Validation) Act, 1884, is being repealed as spent.

The Indian Insolvency Rules Act, 1898.—The only operative part now in force relates to the pension of an old official assignee, and is spent.

The Opium (Amendment) Act, 1911.—This Act is spent. The Government of Uttar Pradesh has no objection to its repeal.

The Transfer of Property (Validating) Act, 1917.—This is being repealed as spent.

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The Indian (Specified Instruments) Stamp Act, 1924.—This is being repealed as spent.

The Bengal Criminal Law Amendment (Supplementary) Act, 1932.—The Preventive Detention Act, 1950, now consolidates the law on the subject, and this Act is being repealed with the consent of the West Bengal Government.

The Provincial Criminal Law Supplementing Act, 1933.—All the Acts referred to and sought to be supplemented have either been repealed or are spent. This Act is, therefore, being repealed with the consent of the State Governments concerned.

The National Service (European British Subjects) Act, 1940.—This Act is no longer required.

The Federal Court Act, 1941.—This Act deals with the power of the Federal Court to make rules and can now be repealed.

The Federal Court (Supplemental Powers) Act, 1942.—This Act authorises the Federal Court to delegate to the Registrar certain judicial or quasi-judicial duties, etc., and is no longer required.

THE SECOND SCHEDULE.

The Indian Penal Code.—As a result of the adaptations made by the Adaptation of Laws Orders, 1948 and 1950, and the amendments made by the Part B States (Laws) Act, 1951, the words "the territories comprised in" occurring in section 42 have become superfluous.

The Special Marriage Act, 1872.—Under the Child Marriage Restraint Act, 1929, the age for marriage for a female was recently raised from 14 years to 15 years, and the present amendment is consequential thereto.

The Indian Christian Marriage Act, 1872.—Section 56 was omitted by the Adaptation of Laws Order, 1950, but through an oversight the reference to section 56 in section 81 was not omitted.

The Transfer of Property Act, 1882.—The amendment to section 69 is consequential upon the repeal of Act XXVIII of 1866.

The Indian Railways Act, 1890.—Section 47 of the Indian Railways Act, 1890, was one of the sections to be amended by Act LVI of 1949. Section 6 of the latter Act, which actually sought to amend section 47, was brought into force by a notification from the 1st February, 1950. But before the Act was brought into force, the Adaptation of Laws Order, 1950, had omitted section 6, with the result that section 6 never came into force. Subsequently, the Part B States (Laws) Act, 1951, which came into force on the 1st April, 1951, sought to amend section 47 on the basis that the amendment contained in section 6 of Act LVI of 1949 was in force. The Adaptation of Laws (Third Amendment) Order, issued on the 4th April, 1951, and deemed to have come into force on the 26th January, 1950, contains a direction which is almost exactly the same as that contained in the Part B States (Laws) Act, 1951. The position is somewhat confusing because the original direction relating to the omission of section 6 not having been cancelled, the subsequent amendments to section 47 appear to be ineffective. The present amendment seeks to clarify the position.

The Live-stock Importation Act, 1898.—In addition to Part A States and Part C States, this Act also extends to the States of Saurashtra and Travancore-Cochin. This consequential amendment was inadvertently omitted when the Act was extended to the States of Saurashtra and Travancore-Cochin by Act III of 1951.

The Indian Patents and Designs Act, 1911.—(i) The words "with reference to any area" occurring in clause (7) of section 2 are unnecessary and are being omitted.

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(ii) The words "and accompanied by the prescribed fee" in sub-section (2) of section 23F are being omitted as this is a matter within the competence of the State Legislature.

The Administrator-General's Act, 1913.—The amendments correct minor inaccuracies arising out of the directions relating to the amendment of sections 15, 16 and 17 of this Act contained in the Part B States (Laws) Act, 1951.

The Delhi University Act, 1922.—This corrects an inadvertent mistake.

The Ranchi Mental Hospital Act 1922.—These amendments seek to insert the correct references to the two associations as they are known at present.

The Indian Boilers Act, 1923.—This amendment is consequential on the abolition of the post of Chief Commissioner of Railways.

The Indian Cotton Cess Act, 1923.—The Vice-Chairman of the Indian Council of Agricultural Research is now designated as the Vice-President of the Indian Council of Agricultural Research.

The Indian Succession Act, 1925.—Amendments Nos. (i) and (ii) were inadvertently omitted both by the Adaptation of Laws Order, 1950, and the Part B States (Laws) Act, 1951.

The Motor Vehicles Act, 1939.—The Superintendent of Insurance is now designated as the Controller of Insurance.

The Trade Marks Act, 1940.—Section 82A has been omitted by Act III of 1951, but this clause, which is consequential upon that section, was not omitted by that Act.

The Central Excises and Salt Act, 1944.—These words have become spent.

The Transfer of Prisoners Act, 1950.—This amendment is consequential upon the institution of the office of Lieutenant-Governorship.

The Part C States (Laws) Act, 1950.—This part of section 2 has been held by a majority of the Judges of the Supreme Court to be *ultra vires* in an opinion given by that Court recently on the validity or otherwise of section 2 as a whole.

The Administration of Evacuee Property Act, 1950.—This amendment corrects a clerical mistake.

The Essential Supplies (Temporary Powers) Amendment Act, 1950.—This is a clarificatory amendment.

The Part B States (Laws) Act, 1951.—Amendment No. (i) corrects a clerical mistake.

Amendment No. (ii). The original direction should have taken the form of the insertion of a new definition, instead of the substitution of a definition for another definition which did not exist.

Amendment No. (iii) omits an entry, the amendment contained therein having already been made by Act LXVIII of 1950.

The Port Trusts and Ports (Amendment) Act, 1951.—Section 119 is one of the sections which should have been included in the group of sections where for the words "officer" and "officers" the words "employee" and "employees" were being substituted.

The Press (Objectionable Matter) Act, 1951.—The first amendment seeks to insert the correct title of a State Act, and the second amendment to insert another State Act which should have been included originally in the Second Schedule.

The State Financial Corporations Act, 1951.—This corrects a grammatical error.

The Indian Independence Pakistan Courts (Pending Proceedings) Act, 1952.—This rectifies an inadvertent omission.

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The International Monetary Fund and Bank Ordinance, 1945.—The words "British Indian currency" occurring in section 3 which were left unadapted are now being adapted by the omission of the word "British".

The Bombay Port Trust Act, 1879.—This amendment is consequential upon the regrouping of railways.

M. N. KAUL,
Secretary.

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PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES

NOTIFICATION.

No. L.D. 655—Legis. 5-52-44, dated Bangalore, 4th July 1952.

Ordered that Notification No. S.R.O. 1101, dated the 17th June 1952 of the Ministry of Commerce and Industry, amending the Newsprint Control Order, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 21st June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 17th June 1952.

ORDER.

No. S.R.O. 1101.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following further amendments shall be made in the Newsprint Control Order, 1951, namely :—

1. After clause 9, the following clause shall be inserted, namely :—

"10. *Submission of weekly statements and copies of newspapers.*

Every proprietor of a daily or weekly newspaper shall furnish to the Government of the State in which the place of publication of the newspaper is situated the following, namely :—

(*a*) by every Friday a true statement showing the total number of pages printed by him in his daily or weekly newspaper during the preceding week; and

(*b*) one copy of each issue of the news paper published after the 22nd June 1952, within seven days of its publication."

2. The remaining clauses shall be re-numbered accordingly.

B. B. SAKSENA,
Deputy Secretary to the Government of India.

NOTIFICATION. 805

No. L.S. 1780—L.W. 93-52-10, dated Bangalore, 14th July 1952.

In pursuance of the powers conferred by Rule 8 of Welfare Officers (Recruitment and Conditions of Service) Rules, 1951, issued with Government Notification No. L.S. 3061—L.W. 22-51-10, dated the 8th November 1951, His Highness the Maharaja of Mysore is pleased to exempt all the Central Government Undertakings in the State from the operation of all the provisions of the said Rules subject to compliance of the provisions of the Labour Officers (Central Pool) Recruitment and Conditions of Service Rules, 1951, (republished hereunder), which are hereby approved as alternative arrangements so far as recruitment and conditions of service of Welfare Officers in the Central undertakings in the State are concerned.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR, NEW DELHI.

Dated the 20th November 1951.

No. L.W.I.-47 (4)/46.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules. They shall come into force with effect from the 20th November 1951 :—

1. (1) These rules may be called Labour Officers (Central Pool) Recruitment and Conditions of Service Rules, 1951.

(2) These rules shall apply to all Labour Officers included in the Pool.

(3) The Pool shall, to start with consist of all Labour Officers who are required to perform the duties specified in rule 11 in any undertaking except the Railways whether such officers are designated as Labour Officers, Labour Welfare Officers, Civilian Labour Officers or by any other name and whether they are appointed under a statute or otherwise.

2. *Definitions.*—In these Rules unless there is anything repugnant in the subject or context :—

(1) "Government or Government of India" means the Government of India in the Ministry of Labour.

(2) "Ministry concerned" means a Ministry of the Central Government and shall include a Head of a Department subordinate thereto possessing appropriate powers which exercises control over an undertaking in which a Labour Officer is employed.

(3) "Undertaking" means a Central undertaking such as a Defence Installation, a Posts and Telegraphs Circle, Central Public Works Department and a Government Factory where one or more Labour Officers are employed for performing duties specified in rule 11.

(4) "Worker" means any person employed in any undertaking directly or through any agency and for whose welfare the Central Government is responsible by statute or otherwise.

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3. *Number of Labour Officers*:—

(1) In every undertaking where five hundred or more workers are ordinarily employed, there shall be appointed at least one Labour Officer: provided that, when the number of workers exceed two thousand one Labour Officer shall be appointed for every two thousand workers or a fraction thereof.

(2) Ordinarily no Labour Officer should work for more than 3 years under a Ministry concerned at one stretch.

4. *Recruitment*:—

(1) Recruitment shall be made by the Government of India through the Union Public Service Commission.

Note:—In case of short vacancies where recruitment is permissible without consultation with the Union Public Service Commission, the Ministry of Labour may appoint a qualified person to such vacancy provided that where a suitable candidate selected by the Union Public Service Commission is available, he should normally be so appointed.

(2) Labour Officers shall be liable to be on probation for a period of one year which may be extended at the discretion of the Government for such period as it may think fit subject to a maximum of six months.

(3) During the period of probation a Labour Officer may be required to pass such examination or examinations as the Government may prescribe.

(4) If, in the opinion of the Government, the work or conduct of the Labour Officer on probation is unsatisfactory or shows that he is unlikely to prove efficient, the Government may discharge him after giving him a reasonable opportunity of showing cause against such action, or may extend the period of probation as in sub-rule (2) above.

(5) On the conclusion of the period of probation, a Labour Officer may be confirmed provided a permanent vacancy is available for such confirmation. In other cases, successful conclusion of the period of probation will entitle an officer to further retention in service, subject to availability of a post.

5. *Qualifications*:—

(1) *Essential*.—Candidates must be graduates of one of the recognised Universities preferably in one of the Social Sciences such as Economics, Commerce and Sociology.

Note.—Candidates selected as Labour Officers may be required to be conversant in one principal local language of their jurisdictions within a reasonable period of time.

(2) *Desirable*.—Preference will be given to candidates who have successfully undergone a recognised course of training in social work in such institutions as the Government may prescribe from time to time.

Note.—In the case of candidates who have not undergone a recognised course of training, it will be a condition of appointment that such candidates shall be liable to be deputed for training for about six months and their continued employment will be subject to successful conclusion of training. During the period of training, candidates would be entitled to draw two-thirds of that pay.

(3) Preference will also be given to candidates with adequate experience of Labour Welfare Work in organisations employing a substantial labour force and candidates with experience of other social and administrative work.

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6. *Age.*—Candidates would be between 25 and 40 years of age. Upper age-limit may be relaxed in the case of permanent Government servants and Scheduled Castes and Scheduled Tribes candidates in accordance with the instruction issued by the Ministry of Home Affairs from time to time.

7. *Scale of pay and status.*—(1) The Scale of pay of a Labour Officer shall be Rs. 275-25-500/EB-30-650/EB-30-800.

(2) Higher initial pay may be allowed, at the discretion of the Government, to candidates with exceptional qualifications and/or previous experience.

(3) The officers will be Class II Officers with Gazetted status.

8. *Leave, travelling allowance, medical attendance, pension, provident fund.*—Labour Officers shall be governed in respect of leave, travelling allowance, medical attendance, pension, provident fund and other conditions of service not provided for in these rules, by the same rules as may, for the time being, be applicable to Class II Officers of the Central Government generally.

9. *Conduct and discipline.*—(1) In day-to-day administrative and disciplinary matters, Labour Officers will be under the immediate control of the Head of the Establishment and the Ministry concerned to which they are posted.

(2) In the matter of disciplinary procedure, rights of appeal, etc., Labour Officers shall be governed generally by the Civil Services (Classification, Control and Appeal) Rules as applicable to Central Service Class II Officers.

(3) The power to remove or dismiss a Labour Officer subject to these rules shall not be exercised by any authority other than the Ministry of Labour. The Ministry concerned shall in a case where it considers that the punishment of removal or dismissal should be imposed, complete the enquiry and revert the officer concerned to the Ministry of Labour for such action as that Ministry may consider necessary.

(4) The Ministry concerned shall consult the Ministry of Labour before imposing any lesser penalty (except suspension) and in case of suspension shall report forthwith to the Ministry of Labour the circumstances leading to the imposition of that penalty.

10. *Postings and transfers.*—Postings of Labour Officers and their transfers between undertakings under the control of different Ministries shall be regulated by the Ministry of Labour in consultation with the Ministries concerned. Transfers between undertakings under the control of the same Ministry shall be regulated by the Ministry concerned.

11. *Duties.*—The duties of Labour Officers shall be as follows:—

(i) to establish contacts and hold consultations with a view to maintaining harmonious relations between the management of the undertaking and workers;

(ii) to bring to the notice of the management of the undertaking the grievances of workers, individual as well as collective with a view to securing their expeditious redress and to act as a negotiating officer with trade unions;

(iii) to study and understand the point of view of labour in order to help the management of the undertaking to shape and formulate labour policies and to interpret these policies to the workers in a language they can understand;

(iv) to watch industrial relations with a view to using his influence in the event of a dispute arising between the management of the undertaking and workers and to help to bring about a settlement by conciliation and arbitration;

(v) to deal with wage and employment matters by joint consultation with the management of the undertaking and workers' representative bodies;

(vi) to exercise a restraining influence over workers going on illegal strikes and over managements declaring illegal lock-outs, and to help in preventing anti-social activities;

(vii) to maintain a neutral attitude during legal strikes or lock-outs and to help in bringing about a peaceful settlement;

(viii) to ensure fulfilment on the part of the management of the undertaking of obligations, statutory or otherwise, concerning the application of provisions of the Factories Act, 1948 and the rules made thereunder, and to establish liaison with the Factory Inspector and the Medical Services concerning medical examinations of employees, health records supervision of hazardous jobs, sick visiting and convalescence, accident prevention and supervision of safety committees, systematic plant inspection, safety education, investigation of accidents, maternity benefits and workmens compensation;

(ix) to promote relations between management of the undertaking and workers which will ensure productive efficiency as well as amelioration in the working conditions and to help workers to adjust and adapt themselves to their working environments;

(x) to encourage the formation of works and joint production Committees, Co-operative Societies and Safety-First and Welfare Committees, and to supervise their work;

(xi) to secure provision of amenities such as canteens, shelters for rest creches, adequate latrine facilities, drinking water, sickness and benevolent scheme payments, pension and superannuation funds, gratuity payments, granting of loans, and legal advice to workers;

(xii) to help the management of the undertaking in regulating the grant of leave with wages and explain to the workers the provisions relating to leave with wages and other leave privileges and to guide the workers in the matter of submission of application for grant of leave for regulating authorised absence;

(xiii) to secure welfare provision, such as housing facilities, food stuffs, social and recreational facilities, sanitation, advice on individual personnel problems and education of children;

(xiv) to advice the management of the undertaking on questions relating to training of new starters, apprentices, workers on transfer and promotion, instructors and supervisors, supervision and control of notice-board and information bulletins to further education of workers and to encourage their atttendance at technical Institutes;

(xv) to suggest measu es which will serve to raise the standard of living of workers and in general promote their wellbeing.

P. N. SHARMA,
Under Secy.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.D. 721—Legis. 6-52-24, dated Bangalore, 16th July 1952.

Ordered that Notification No. S.R.O. 725, dated the 17th April 1952 of the Ministry of Works, Production and Supply amending Notifications No. S.R.O. 1463, dated 19th September 1951 and S.R.O. 2046, dated 11th December 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS, PRODUCTION AND SUPPLY.
(Central Boilers Board).

New Delhi, the 17th April 1952.

S.R.O. 725.—*Corrigendum.*—The following correction shall be made in Central Boilers Board's Notification No. S.R.O. 1463, dated the 19th September 1951, published in the *Gazette of India*, Part II—Section 3, dated the 22nd September 1951 and S.R.O. 2046, dated the 11th December 1951 published in the *Gazette of India*, Part II—Section 3, dated the 22nd December 1951, namely :—

In clause (d) (i) *read* $S = 1 - \frac{a^2}{240}$

[No. M/BL-307 (44).]
N. P. DUBE, Secy,
Central Boilers Board.

NOTIFICATION.

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No. L.D. 737—Legis. 6-52-25, dated Bangalore, 19th July 1952.

Ordered that Notification No. M/B.L. 312 (11), dated 25th June 1952 of the Central Boilers Board appointing certain authority to grant certificates in Form II annexed to the Indian Boiler Regulations, 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

CENTRAL BOILERS BOARD.

New Delhi, the 25th June 1952.

NOTIFICATION.

No. M/B.L. 312 (11).—In pursuance of clause (*g*) of Regulation 2 of the Indian Boiler Regulations, 1950, the Central Boilers Board hereby recognises Vereinigungder Technischen Uberwachungs-Vereine e. V., Essen, Herkulesstr, Germany (Corporation of the Technical Inspection Associations) as authority competent to grant certificate in Form II annexed to the said Regulation.

N. P. DUBE,
Secretary, Central Boilers Board.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. C. 393—Co. 4-52-9, dated Bangalore, 12th July 1952.

In exercise of the powers conferred by Section 3 and Clause (*a*) of sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendment shall be made in the Notification No. C. 3130—Co., dated the 3rd October 1949, namely :—

In the schedule to the said Notification—

(1) To the entries under the heading "IMPERIAL CHEMICAL INDUSTRIES (INDIA), LTD.", the following entry shall be added, namely :—

'Avloprocil' N.A.—Crystalline Penicillin G Procaine Salt and Potassium Salt (Buffered)
Vials of 4·0 m.u. ... Rs. 10–10–0

(2) To the entries under the heading "MARTIN & HARRIS LTD., CALCUTTA", the following entry shall be added, namely :—

Vitamins Ltd., London.

Mogalovol (Vitamin B12)
6 × 1 c.c. (20 micrograms per c.c.) per box Rs. 4–8–0

(3) To the entries under the heading "GLAXO LABORATORIES", the following entries shall be added, namely :—

Macrabin Vitamin B12 injections—

			Rs.	a.	p.
50 microgram per cc		vials of 5 cc., each ...	4	10	0
100	do	ampoules of 6 × 1 cc., each	9	10	0
100	do	vials of 5 cc., each ...	7	5	0

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Chief Secretary to Government.

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NOTIFICATION.

No. C. 410—C.O. 4-52-10, dated Bangalore, 12th July 1952.

In exercise of the powers conferred by section 3 and clause (a) of sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the schedule to notification No. C. 3130—Co. dated the 3rd October 1949, namely :—

1. In respect of the drugs in the said schedule specified in column 1 hereunder which are manufactured by Glaxo Laboratories, Martin and Harris Ltd., Calcutta, (Vitamins Ltd., London), British Chemicals and Biologicals Ltd., Loughborough, Leicestershire (Genatesan Limited), Messrs. William R. Warner & Co., New York, Messrs. N. V. Organon Holland, Messrs. Merck & Co., Inc., U.S.A., Messrs. Merck & Co., Ltd., Canada, Ely Lilly and Company of India, Inc., and Imperial Chemical Industries (India), Ltd., for the prices specified in column 2 of the said schedule the prices specified in column 2 hereunder shall be substituted :—

Glaxo Laboratories.

		Rs.	a.	p.
Penicillin Crystalline—				
Phials 1,00,000 units	...	0	11	0
Do 2,00,000 units	...	0	14	0
Do 5,00,000 units	...	1	9	0
Do 10,00,000 units	...	2	10	0
Seclopen (Dry Procaine Penicillin with crystalline sodium penicillin) 1 dose	...	1	9	0
Seclopen (Dry Procaine Penicillin with crystalline sodium penicillin) 5 dose	...	5	15	0
Estopen 1 dose	...	4	5	0
Berin—				
Solution 10 cc. 25 mg. per cc.	...	2	5	0
Solution 10 cc. 50 mg. per cc.	...	3	13	0
Solution 10 cc. 100 mg. per cc.	...	5	8	0
Macrabin Amps. (Vitamin B 12) 20 u.g. 6's	...	4	0	0
Macrabin Amps. (Vitamin B 12) 50 u.g. 6's	...	7	0	0

Martin & Harris, Ltd., Calcutta.
Vitamins Limited, London.

	Rs.	a.	p.
Vitavel—A (Vitamin A concentrate 33,000 I. U. per capsule)			
25's ...	6	1	0
100's ...	19	15	0
Betavel (Aneurine Hydrochloride B1)—			
Tablet 25's×100 mg. ...	11	15	0
Tablet 100's×100 mg. ...	40	12	0
Ribovel (Riboflavin B2) Tablets 25's×3 mg. ...	3	11	0
Ascorvel (Ascorbic Acid C) Tablets 25's×50 mg.	2	8	0
Ampoules 6×5 cc.×100 mg. ...	10	6	0
Fertilol (Vitamin E-Wheat germ oil) capsules 25's×3 mg. ...	4	15	0

British Chemicals & Biologicals, Limited, Loughborough, Leicestershire, (Genatesan Limited).

Acetemenapthene B.P.C. (Vitamin K analogue) Tablets 25's×10 mg. ...	2	11	0
Nicotinamide Tablets 100's×50 mg. ...	4	10	0
Nicotinic Acid Tablets 250's×50 mg. ...	7	10	0

Messrs. William R. Warner & Co., New York.

Thorta-vita Capsules 30's ...	16	8	0
Omni-beta 4 oz. ...	12	10	0
Omni-beta 8 oz. ...	23	7	0

Messrs. N. V. Organon, Holland.

Insulin (Organon)—			
10 cc×200 units (20 units per cc.) each ...	2	10	0
5 cc×200 units (40 units per cc.) each ...	2	10	0
10 cc×400 units (40 units per cc.) each ...	4	14	9
Hospital packing 50×10 cc.+40 units per pack of 50 vials	216	0	0
Penicillin Crystalline G Sodium—			
1,00,000 units vial ...	0	10	9
2,00,000 units vial ...	0	15	6
5,00,000 units vial ...	1	13	6
10,00,000 units vial ...	3	2	9

Messrs. Merck & Co., Inc., U.S.A.

Dihydrostreptomycin 1 gm. vial ...	3	12	0

Messrs. Merck & Co., Ltd., Canada.

Dihydrostreptomycin sulphate 1 gm. vial ...	3	12	0

Eli Lilly & Co. of India, Inc.

	Rs.	a.	p.
Dihydrostreptomycin Sulphate, 20 cc. rubber stoppered ampoules—per ampoule ...	3	3	0
Duracillin Fortified (Procaine Penicillin—G and Penicillin-G, Crystalline-Sodium Lilly) Buffered, for aqueous injection, 4,00,000 units in 1 dose, rubber stoppered ampoules per ampoule ...	3	8	0
Ampoules Duracillin Fortified (Procaine Penicillin-G, and Penicillin-G, Crystalline-Sodium, Lilly), Buffered, for Aqueous Injection, 4,00,000 units per 100 ...	290	14	0
Penicillin-G, Crystalline-Potassium, 1,00,000 units, 20 cc. rubber-stoppered ampoules, per ampoule ...	1	3	0
Penicillin-G, Crystalline-Potassium, 2,00,000 units, 20 cc. rubber-stoppered ampoules per ampoule ...	1	5	0
Penicillin-G, Crystalline-potassium, 20 cc. rubber-stoppered ampoules—			
5,00,000 units per ampoule ...	1	15	0
10,00,000 units per ampoule ...	3	6	0

Imperial Chemical Industries (India), Ltd.

Crystalline Penicillin-G (Sodium salt)—'Avlon' brand

Vials of 0·1 mega unit Singly, and in containers of 10 vials—per vial	0	10	6
Vials of 0·2 mega unit Singly, and in containers of 10 vials—per vial	0	13	0
Vials of 0·5 mega unit Singly, and in containers of 10 vials—per vial	1	7	0
Vials of 1·0 mega unit Singly, and in containers of 10 vials—per vial	2	6	9

Penicillin-G (Sodium salt)—Distillers Company (Biochemicals) Ltd.

Vials of 0·1 mega unit available in boxes of 5 vials, per vial ...	0	10	6
Vials of 0·2 mega unit available in boxes of 5 vials, per vial ...	0	13	0
Vials of 0·5 mega unit available in boxes of 5 vials, per vial ...	1	7	0
Vials of 1·0 mega unit available in boxes of 5 vials, per vial ...	2	6	9
Distaquaine G Crystalline Penicillin G Procaine Salt—Distiller Company (Biochemicals) Ltd., U.K. Vials of 0·3 mega units—per vial ...	1	3	0
Distaquaine G Crystalline Penicillin G Procaine Salt—Distillers Company (Biochemicals) Ltd., U.K. Vials of 0·9 mega unit (in boxes of 5 vials) per vial ...	2	13	3

	Rs.	a.	p.
Distaquaine Fortified Crystalline Penicillin G Procaine Salt and Potassium Salt (Buffered) Distillers Company (Biochemicals) Ltd., U. K.			
Vials of 0·4 m.u.—per vial ...	1	7	0
Vials of 1·2 m.u.—per vial ...	3	8	0
"Avloprocil" N.A.—Crystalline Penicillin G Procaine Salt and Potassium Salt (Buffered) Vials of 0·4 m.u.—per vial ...	1	7	0
"Avloprocil" brand of Procaine-Penicillin Oily Injection (3,00,000 I. u. Penicillin and 120 mgm, Procaine base per cc.)			
Vials of 10 cc. single, and in containers of 5 vials—Single vials ...	10	0	0
'Avloprocil' brand of Procaine-Penicillin Oily Injection (3,00,000 I.u. Penicillin and 120 mgm. Procaine base per cc.)			
Vials of 1 cc. Singly and in containers of 10 vials—per vial ...	1	5	3

2. For the entry "Dihydrostreptomycin—1 gm. vial" under the heading "Messrs. Merck & Co., Ltd., Canada" appearing in the said schedule, the entry 'Dihydrostreptomycin Sulfate 1 gm. vial" shall be substituted.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Chief Secretary to Government.

NOTIFICATION.

No. L. 4744—C.M. 31-52-2, dated Bangalore, 15th July 1952.

In exercise of the powers conferred by Section 5 (2) of the Corporation Act, 1949 (Act No. LXIX of 1949), His Highness the Maharaja of Mysore is pleased to appoint the Station Staff Officer, Sub-Area Command, Bangalore, as a Special Councillor of the Corporation of the City of Bangalore in order to put forward the views of the Defence Department when subject matters relating to the Defence Department are on the agenda.

By Order of His Highness the Maharaja,

A. S. KHALEEL,

Secretary to Government,
Local Self-Government Department.

NOTIFICATION.

No. Fl. 4541—G.F. 97-52-2, dated Bangalore, 14th July 1952.

Whereas deductions from the salaries of the employees working in the Southern Railway in the State of Mysore, in respect of premia payable towards the policies issued by the Mysore Government Insurance Department, Bangalore, is beneficial to the employed persons;

Now therefore in exercise of the powers conferred by clause (*m*) of sub-section (2) of Section 7 of the Payment of Wages Act, 1936 (Central Act No. IV of 1936) as amended by the Payment of Wages (Mysore Amendment) Act, 1952, (Mysore Act No. XV of 1952), His Highness the Maharaja of Mysore is pleased to specially authorise the deductions from the salaries of the employees working in the Southern Railway in the State of Mysore, towards premia payable in respect of policies issued by the said Mysore Government Insurance Department, Bangalore.

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,
Finance Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Registered No. M. 1175.

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The Mysore Gazette

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PART IV

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CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. L.D. 793—Legis. 3-52-7, Bangalore, dated 22nd July 1952.

Ordered that the Indian Companies (Amendment) Bill, 1952 (Central Bill No. 57 of 1952), introduced in the House of the People on 20th June 1952, published in the *Gazette of India*, Part II, Section 2, dated the 28th June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

Bills and Reports of Select Committees on Bills.

HOUSE OF THE PEOPLE.

The following Bills were introduced in the House of the People on 20th June 1952 :—

BILL NO. 57 OF 1952.

A Bill further to amend the Indian Companies Act, 1913.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Indian Companies (Amendment) Act, 1952.

2. Amendment of section 91B, Act VII of 1913.—In section 91B of the Indian Companies Act, 1913, after sub-section (3), the following sub-section shall be inserted, namely :—

"(4) Notwithstanding anything contained in this section, the Central Government may, if it is of opinion that in the case of a public company which is a subsidiary company of any other company (whether that other company is a company within the meaning of this Act or not) it would not be in the public interest to apply all or any of the prohibitions contained in sub-section (1) to the subsidiary company in its relation with the holding company, direct, by notification in the Official Gazette, that this section shall not apply to any contract or arrangement made on behalf of the subsidiary company with the holding company or shall apply thereto, subject to such exceptions, modifications or conditions as may be specified in the notification."

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STATEMENT OF OBJECTS AND REASONS.

The prohibitions contained in section 91B of the Indian Companies Act, 1913, have acted and are likely to act as a check on the formation of public companies in India by certain foreign companies in accordance with the agreements entered into by them with the Government of India, because it would have to be an essential feature in such cases that close connection is allowed to exist in the public interest between the directors of the Indian Companies to be so formed (most of whom are likely to be the nominees of the holding companies) and the holding companies themselves. It is, therefore, essential that, wherever necessary, suitable exemptions should be granted from the prohibitions contained in the said section so that directors of the Indian Companies are allowed to exercise their powers effectively. Hence this Bill.

C. D. DESHMUKH.

NEW DELHI,
The 11th June 1952.

NOTIFICATION. 822

No. L.D. 821—Legis. 3-52-8, dated Bangalore, 25th July 1952.

Ordered that the Prevention of Corruption (Second Amendment) 1952 (Bill No. 72 of 1952) and the Criminal Law Amendment Bill, 1952 (Bill No. 71 of 1952) which were introduced in the House of the People on 3rd July 1952 and published in the *Gazette of India*, Part II, Section 2, dated the 12th July 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

House of the People

The following Bills were introduced in the House of the People on 3rd July, 1952 :—

BILL NO. 72 OF 1952

A Bill further to amend the Prevention of Corruption Act, 1947.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Prevention of Corruption (Second Amendment) Act, 1952.

2. Amendment of section 3, Act II of 1947.—In section 3 of the Prevention of Corruption Act, 1947 (hereinafter referred to as the principal Act),—

(*a*) after the word and figures "section 165" the words, figures and letter "or section 165A" shall be inserted; and

(*b*) the proviso shall be omitted.

3. Amendment of section 4, Act II of 1947.—The proviso to section 4 of the principal Act shall be omitted and the said section shall be numbered as sub-section (*1*) thereof and after sub-section (*1*) as so renumbered, the following sub-sections shall be inserted, namely:—

"(*2*) Where in any trial of an offence punishable under section 165A of the Indian Penal Code (Act XLV of 1860), it is proved that any gratification (other than legal remuneration) or any valuable thing has been given or offered to be given or attempted to be given by an accused person, it shall be presumed unless the contrary is proved that he gave or offered to give or attempted to give that gratification or that valuable thing, as the case may be, as a motive or reward such as is mentioned in section 161 of the Indian Penal Code or, as the case may be, without consideration or for a consideration which he knows to be inadequate.

(*3*) Notwithstanding anything contained in sub-sections (*1*) and (*2*), the court may decline to draw the presumption referred to in either of the said sub-section, if the gratification or thing aforesaid is, in its opinion, so trivial that no inference of corruption may fairly be drawn."

4. Amendment of section 5, Act II of 1947.—For sub-section (*4*) of section 5 of the principal Act, the following sub-section shall be substituted namely :—

"(*4*) The provisions of this section shall be in addition to, and not in derogation of, any other law for the time being in force, and nothing contained herein shall exempt any public servant from any proceeding which might, apart from this section, be instituted against him."

5. Insertion of new section 5A, in Act II of 1947.—After section 5 of the principal Act, the following section shall be inserted, namely:—

"5A. *Investigation into cases under this Act.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), no police officer below the rank—

(*a*) in the presidency towns of Madras and Calcutta, of an assistant commissioner of police.

(*b*) in the presidency town of Bombay, of a superintendent of police, and

(*c*) elsewhere, of a deputy superintendent of police,

shall investigate any offence punishable under section 161, section 165 or section 165A of the Indian Penal Code (Act XLV of 1860) or under sub-section (*2*) of section 5 of this Act, without the order of a presidency magistrate or a magistrate of the first-class, as the case may be, or make any arrest therefor without a warrant:

Provided that a police officer of the Delhi Special Police Establishment, not below the rank of an inspector of police, who is specially authorised by the Inspector-General of Police of that Establishment may, if he has reasons to believe that, on account of the delay involved in obtaining the order of a magistrate of the first-class, any valuable evidence relating to such offence is likely to be destroyed or concealed, investigate the offence without such order; but in every case where he makes such investigation, the inspector shall, as soon as may be, send a report of the same to a magistrate of the first-class, together with the circumstances in which the investigation was made."

6. Amendment of section 6, Act II of 1947.—Section 6 of the principal Act shall be numbered as sub-section (*1*) thereof and after sub-section (*1*) as so re-numbered, the following sub-section shall be inserted, namely:—

"(*2*) Where for any reason whatsoever any doubt arises whether the previous sanction as required under sub-section (*1*) should be given by the Central or State Government or any other authority, such sanction shall be given by that Government or authority which would have been competent to remove the public servant from his office at the time when the offence was alleged to have been committed."

STATEMENT OF OBJECTS AND REASONS

The Government of India set up a Committee of Members of Parliament under the chairmanship of Dr. Pakshi Tek Chand to review the working of the Special Police Establishment and to make recommendations for the improvement of the laws relating to bribery and corruption. The amendments proposed in the Bille are based on the recommendations of that Committee. The

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amendments are intended to clarify some doubts about the application of certain sections and to rectify certain drafting omissions in the Act. The Bill also deals with some other minor difficulties disclosed by the working of the Act.

NEW DELHI; KAILAS NATH KATJU.

The 6th May, 1952.

BILL NO. 71 OF 1952.

A Bill further to amend the Indian Penal Code and the Code of Criminal Procedure 1898, and to provide for a more speedy trial of certain offences.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Criminal Law Amendment Act, 1952.

2. Amendment of section 165, Act XLV of 1860.—In section 165 of the Indian Penal Code (hereinafter referred to as the principal Act) for the words "simple imprisonment for a term which may extend to two years" the words "imprisonment of either description for a term which may extend to three years" shall be substituted.

3. Insertion of new section 165A in Act XLV of 1860.—After section 165 of the principal Act, the following section shall be inserted, namely :—

"165A. *Punishment for abetment of offences defined in section 161 or section 165.*—Whoever abets any offence punishable under section 161 or section 165, whether or not that offence is committed in consequence of the abetment, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both."

4. Amendment of section 164, Act V of 1898.—In sub-section (*1*) of section 164 of the Code of Criminal Procedure, 1898, after the words "under this Chapter" the words "or under any other law for the time being in force" shall be inserted.

5. Amendment of section 337, Act V of 1898.—(*1*) In section 337 of the Code of Criminal Procedure, 1898,—

(*a*) in sub-section (*1*), after the words "the Indian Penal Code, namely, sections" the figures and letter "161, 165, 165A" shall be inserted;

(*b*) after sub-section (*2A*), the following sub-section shall be inserted, namely :—

"(*2B*) In every case where the offence is punishable under section 161 or section 165 or section 165A of the Indian Penal Code (Act XLV of 1860) or sub-section (*2*) of section 5 of the Prevention of Corruption Act, 1947 (II of 1947), and where a person has accepted a tender of pardon and has been examined under sub-section (*2*), then, notwithstanding anything contained in sub-section (*2A*), the magistrate shall, without making any further inquiry, send the case for trial to the court of the special judge appointed under the Criminal Law Amendment Act, 1952."

(2) The amendments made by sub-section (*1*) shall remain in force for a period of two years from the commencement of the Criminal Law Amendment Act, 1952.

6. Power to appoint special judges.—(*1*) The State Government may, by notification in the Official Gazette, appoint as many special judges as may be

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necessary for such area or areas as may be specified in the notification to try the following offences, namely :—

(*a*) an offence punishable under section 161, section 165 or section 165A of the Indian Penal Code (Act XLV of 1860) or sub-section (*2*) of section 5 of the Prevention of Corruption Act, 1947 (II of 1947) ;

(*b*) any conspiracy to commit or any attempt to commit or any abetment of any of the offences specified in clause (*a*).

(*2*) A person shall not be qualified for appointment as a special judge under this Act unless he is, or has been, a sessions judge or an additional sessions judge under the Code of Criminal Procedure, 1898 (Act V of 1898).

7. Cases triable by special judges.—(*1*) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898) or in any other law offences specified in sub-section (*1*) of section 6 shall be triable by special judges only.

(*2*) Every offence specified in sub-section (*1*) of section 6 shall be tried by the special judge for the area within which it was committed, or where there are more special judges than one for such area, by such one of them as may be specified in this behalf by the State Government.

(3) When trying any case, a special judge may also try any offence other than an offence specified in section 6 with which the accused may, under the Code of Criminal Procedure, 1898, be charged at the same trial.

8. Procedure and powers of special judges.—(*1*) A special judge may take cognizance of offences without the accused being committed to him for trial, and in trying the accused persons, shall follow the procedure prescribed by the Code of Criminal Procedure, 1898 (Act V of 1898), for the trial of warrant cases by magistrates.

(*2*) A special judge may, with a view to obtaining the evidence of any person suppose to have been directly or indirectly concerned in, or privy to, an offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relating to the offence and to every other person concerned, whether as principal or abettor, in the commission thereof ; and any pardon so tendered shall, for the purposes of sections 339 and 339A of the Code of Criminal Procedure, 1898, be deemed to have been tendered under section 338 of that Code.

(*3*) Save as provided in sub-section (*1*) or sub-section (*2*), the provisions of the Code of Criminal Procedure, 1898, shall, so far as they are not inconsistent with this Act, apply to the proceedings before a special judge ; and for the purposes of the said provisions, the court of the special judge shall be deemed to be a court of sessions trying cases without a jury or without the aid of assessors and the person conducting a prosecution before a special judge shall be deemed to be a public prosecutor.

(4) A special judge may pass upon any person convicted by him any sentence authorised by law for the punishment of the offence of which such person is convicted.

9. Appeal and revision.—The High Court may exercise, so far as they may be applicable, all the powers conferred by Chapters XXXI and XXXII of the Code of Criminal Procedure, 1898 (Act V of 1898) on a High Court as if the court of the special judge were a court of sessions trying cases without a jury within the local limits of the jurisdiction of the High Court.

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STATEMENT OF OBJECTS AND REASONS

The Government of India set up a Committee of Members of Parliament under the chairmanship of Dr. Bakhshi Tek Chand to review the working of the Special Police Establishment and to make recommendations for the improvement of the laws relating to bribery and corruption. The amendments proposed in the Bill are based on the recommendations of that Committee. They seek to make the offering of bribe a substantive offence by itself instead of, as at present, a mere abetment. The maximum punishment for an offence under section 165, I.P.C. (acceptance by a public servant of a valuable thing without consideration from persons concerned in proceeding or business transacted by him) is considered to be light and is proposed to be raised to that prescribed for an offence under section 161, I.P.C., *viz.* acceptance of a bribe. In view of certain practical difficulties in the prosecution of cases relating to bribery and corruption, the scope of section 337 (1) of the Cr. P.C. for tendering pardon to accomplices has been proposed to be extended to bring such offences within its purview. A special forum for trial is also proposed for such cases in order to eliminate delay; this particular amendment has been given a limited life. Opportunity has also been taken to extend the applicability of section 164, Cr. P.C., to Presidency towns.

KAILAS NATH KATJU.

NEW DELHI;
The 6th May 1952

M. N. KAUL,
Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 820—Legis. 4-52-9, dated Bangalore, 26th July 1952.

Ordered that the Appropriation (Railways) No. 2 Act, 1952 (Central Act No. XLIII of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 21st July 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 19th July 1952.

THE APPROPRIATION (RAILWAYS) No. 2 ACT, 1952.
(ACT No. XLIII OF 1952.)

AN

ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1952-53 for the purposes of Railways.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Appropriation (Railways) No. 2 Act, 1952.

2. Issue of Rs. 3,60,60,37,000 out of the Consolidated Fund of India for the financial year 1952-53.—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate [inclusive of the sums specified in column 3 of the Schedule to the Appropriation (Railways) Vote on Account Act, 1952 (XXI of 1952)] to the sum of three hundred and sixty crores, sixty lakhs and thirty-seven thousand rupees towards defraying the several charges which will come in course of payment during

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the financial year 1952-53 in respect of the services relating to railways specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE.

(*See* sections 2 and 3.)

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Railways Board	32,97,000	...	32,97,000
2	Audit	34,91,000	...	34,91,000
3	Miscellaneous Expenditure	71,29,000	...	71,29,000
4	Working Expenses—Administration ...	25,69,45,000	...	25,69,45,000
5	Do Repairs and Maintenance...	63,56,70,000	...	63,56,70,000
6	Do Operating Staff ...	41,07,09,000	...	41,07,09,000
7	Do Operation (Fuel) ...	23,00,01,000	...	23,00,01,000
8	Do Operation (other than Staff and Fuel).	14,30,69,000	...	14,30,69,000
9	Do Miscellaneous Expenses ...	18,53,41,000	...	18,53,41,000
9A	Do Labour Welfare ...	3,89,51,000	...	3,89,51 000
10	Payments to Indian States and Companies ...	37,60,000	...	37,60,000
11	Working Expenses—Appropriation to Depreciation Reserve Fund.	30,00,00,000	...	30,00,00,000
12A	Open Line Works (Revenue)—Labour Welfare...	1,44,98,000	...	1,44,98,000
12B	Open Line Works (Revenue)—Other than Labour Welfare.	4,12,78,000	...	4,12,78,000
13	Appropriation to Development Fund ...	12,00,00,000	...	12,00,00,000
14	Appropriation to Revenue Reserve Fund ...	11,47,07,000	...	11,47,07,000
14A	Withdrawal from Revenue Reserve Fund ...	...	...	...
15	Construction of New Lines	48,97,000	...	48,97,000
16	Open Line Works—Additions	13,37,94,000	...	13,37,94,000
17	Do Replacements ...	50,95,50,000	...	50,95,50,000
18	Do Development Fund ...	10,71,29,000	...	10,71,29,000
19	Capital Outlay on Vizagapatam Port ...	18,05,000	...	18,05,000
20	Dividend payable to General Revenues ...	34,00,16,000	...	34,00,16,000
	Total ...	3,60,60,37,000	...	3,60,60,37,000

K. Y. BHANDARKAR,

Secy. to the Govt. of India.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES

ELECTION COMMISSION, INDIA.

NOTIFICATION.

1, *Aurangzeb Road, New Delhi, July* 16, 1952.

No. 18/52-Elec. III (2).—In supersession of its Notification No. 18/52-Elec. III (1), dated the 29th May, 1952, the Election Commission, in exercise of the powers conferred by clause (*a*) of sub-section (2) of Section 81 of the Representation of the People Act, 1951, hereby appoints Shri B. J. Sengupta, Assistant Secretary, Election Commission, as an officer who may also receive Election Petitions presented in accordance with the provisions contained in Part VI of the said Act.

P. N. SHINGHAL,
Secretary.

NOTIFICATION.

No. L.D. 801—Legis. 5-52-45, Bangalore, dated 23rd July 1952.

Ordered that Notification No. S.R.O. 1089, dated the 16th June 1952, of the Ministry of External Affairs amending the Reciprocity (South Africa), Rules, 1944, extending the rules to the whole of India published in the *Gazette of India*, Part II, Section 3, dated the 21ts June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF EXTERNAL AFFAIRS.

New Delhi, the 16th June 1952.

S.R.O. 1089.—In exercise of the powers conferred by Section 6 of the Reciprocity Act, 1943 (IX of 1943), the Central Government hereby directs that the following further amendment shall be made in the Reciprocity (South Africa) Rules, 1944, published by the notification of the Government of India in the late Department of Commonwealth Relations No. F. 170-2/43-OS(4), dated the 1st December 1944, namely :—

In the said Rules for the words "India except Part B States" wherever they occur the word "India" shall be substituted.

[No. A1/52/6536/28.]

B. N. NANDA, Dy. Secy.

NOTIFICATION. 830

No. L.D. 802—Legis. 5-52-46, Bangalore, dated 23rd July 1952.

Ordered that Notification No. S.R.O. 1091, dated the 15th June 1952 of the Ministry of Finance (Revenue Division) amending the Part B States (Taxation Concessions) Order, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 21st June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE (REVENUE DIVISION).

INCOME-TAX.

New Delhi, the 15th June 1952.

S.R.O. 1091.—In exercise of the powers conferred by Section 60A of the Indian Income-tax Act, 1922 (XI of 1922), the Central Government hereby makes the following amendments in the Part B States (Taxation Concessions) Order, 1950.

In the said Order—

(1) After paragraph 6, the following paragraph shall be inserted namely:

"6A. *Income, profits and gains chargeable to tax the assessent years* 1952-53, 1953-54 *and* 1954-55.—The income profits and gains of any previous year which is a previous year for the assessment for the year ending on the 31st day of March 1953, 1954 or 1955, shall be charged to tax at the Indian rates of tax, provided that from the tax so computed, there shall be allowed in each year, rebate at the percentage thereof, specified hereunder:

in respect of so much of the income, profits and gains as accrue or arise—

(a) in the States of Saurashtra, Madhya Bharat or Rajasthan, *to any assessee*, at the rate of 40 per cent, 20 per cent and 10 per cent respectively, for the assessment for the year ending on the 31st day of March 1953, 1954 and 1955;

(b) in the State of Mysore to *an assessee not being a company*, at the rate of 20 per cent 10 per cent and nil, respectively, for the assessment for the year ending on the 31st day of March 1953, 1954 and 1955;

(c) in the State of Hyderabad to *an assessee being* a company ten per cent, nil and nil, respectively, for the assessment for the year ending on the 31st day of March 1953, 1954 and 1955;

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Provided further that the provisions of the second proviso to paragraph 6 of this Order shall apply to this paragraph as they apply to the said paragraph 6."

(2) After paragraph 7, the following paragraph shall be inserted namely :—

"7A. *Income accruing or arising without the taxable territories.*—The income, profits and gains which accrue or arise without the taxable territories, and are not deemed to accrue or arise, or are not received or deemed to be received within the meaning of clause (a) of sub-section (1) of Section 4 of the Act, in the taxable territories, shall in the case of an assessee referred to in clause (iii) of sub-paragraph (1) of paragraph 4 of this order, be charged to tax for the assessment for the year ending on the 31st day of March 1953, 1954 or 1955, in the same manner and to the same extent as specified in paragraph 6A of this Order".

[No. 41.]

A. K. ROY, Joint Secy.

NOTIFICATION.

No. L.D. 803—Legis. 5-52-47, Bangalore, dated 23rd July 1952.

Ordered that Notification No. S.R.O. 1112, dated the 11th June 1952 of the Ministry of Works, Housing and Supply amending the Indian Boilers Regulations, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 21st June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS, HOUSING AND SUPPLY

New Delhi, the 11th June 1952.

S.R.O. 1112.—In exercise of the powers conferred by Section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board hereby directs that the following amendment shall be made in the Indian Boilers Regulations 1950, the same having been previously published as required by sub-section (1) of Section 31 of the said Act, namely :—

In regulation 316 of the said Regulations, after clause (c), the following clause shall be inserted, namely :—

"(d) When two or more boilers are connected to a common steam main over 4" diameter, an automatic isolating valve shall be fitted between each boiler stop valve and the steam main."

[No. M/BL-304(75).]

S. K. GUHA, For *Secy.*

NOTIFICATION. 332

No. L.D. 805—Legis. 6-52-28, dated Bangalore, 23rd July 1952.

Ordered that Notification No. S.R.O. 1114, dated 21st June 1952 of the Ministry of Law under Section 44-A of the Code of Civil Procedure, 1908, cancelling the reciprocating arrangements between British Burma and India from the 4th January 1948, published in the *Gazette of India*, Part II, Section 3, dated the 28th June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 21st June 1952.

S.R.O. 1114.—In exercise of the powers conferred by section 44-A of the Code of Civil Procedure, 1908 (Act V of 1908), the Central Government hereby directs that the notification of the Government of India in the late Home Department No. 286/36-Judicial, dated the 27th March, 1939, declaring British Burma to be a reciprocating territory for the purposes of the said section shall be cancelled and shall be deemed to have been cancelled with effect from the 4th January 1948.

[No. F. 37-I/51-L.]

SHRI GOPAL SINGH, *Dy. Secy.*

NOTIFICATION.

No. L. D. 806—Legis. 6-52-26, dated Bangalore, 23rd July 1952. 833

Ordered that Notification No. S.R.O. 1122, dated the 21st June 1952 of the Ministry of Information and Broadcasting prescribing certain conditions for the exhibition of cinematographic films by firms dealing in cinematographic equipment for the purpose of demonstrating such equipment to their customers, published in the *Gazette of India*, Part II, Section 3, dated the 28th June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF INFORMATION AND BROADCASTING.

New Delhi, the 21*st June* 1952.

S.R.O. 1122.—In exercise of the powers conferred by section 11 of the Cinematograph Act, 1918 (II of 1918), the Central Government hereby exempts exhibition of cinematograph films held by firms dealing in cinematographic equipment, for the purpose of demonstrating cinematographic equipment to their customers, from the operation of all the provisions of the said Act and the rules made thereunder, subject to the following conditions, namely :—

(1) No film other than a film which has been certified by the Central Board of Film Censors constituted under the Cinematograph Act, 1918, or a former Board of Film Censors constituted by a State Government as suitable for unrestricted public exhibition or for public exhibition restricted to adults and which, when exhibited, displays the prescribed mark of the Central Board of Film Censors or a former Board of Film Censors of a State Government and has not been altered or tampered with in any way since such mark was affixed thereto, shall be exhibited or permitted to be exhibited.

(2) No film which has been certified by the Central Board of Film Censors or a former Board of Film Censors of a State Government as suitable for public exhibition restricted to adults shall be exhibited or permitted to be exhibited to any person who is not an adult.

(3) No film which has been declared as uncertified or whose exhibition has been suspended under the Cinematograph Act, 1918, shall be exhibited or permitted to be exhibited.

(4) No admission fee shall be charged.

(5) No person other than the customer and the servants of the Firm shall be admitted or have access to the place where the exhibition is held.

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(6) Employees of the State Government and members of the Central Board of Film Censors and of its Advisory Panels engaged in the discharge of their official duties shall be admitted to the places where the exhibitions are held and to the film shows.

(7) The manager or the person in charge of the firm shall, at least 15 days before starting the exhibition of films, make a written report to the proper licensing authority and to the Chairman of the Central Board of Film Censors, Bombay, giving the following particulars :—

(*a*) Name of the firm (with full address);

(*b*) Name of the Manager or the person in charge of the firm ;

(*c*) Location of the projection theatre ;

(*d*) Date from which the exhibition of films will be started ; and

(*e*) Working hours of the projection theatre.

(8) If inflammable cinema films are used, the rules for precautions against, and for prevention and extinction of fire, in force in the State in which the projection theatre is situated, shall be observed.

[No. 20/50/51-F-II.]

C. B. RAO, Dy. Secy.

NOTIFICATION.

No. L.D. 807—Legis. 6-52-27, dated Bangalore, 23rd July 1952. 835

Ordered that Notification No. S.R.O. 1121, dated the 21st June 1952 of the Ministry of Information and Broadcasting prescribing certain conditions for the Exhibition of cinematograph films held in film studios and projection theatres outside film studios solely for the purpose of previewing unfinished films during the course of production, etc., published in the *Gazette of India*, Part II, Section 3, dated the 28th June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF INFORMATION AND BROADCASTING.

New Delhi, the 21st June 1952.

S.R.O. 1121.—In exercise of the powers conferred by section 11 of the Cinematograph Act, 1918 (II of 1918), the Central Government hereby exempts exhibition of cinematograph films held in film studios and projection theatres outside film studios solely for the purpose of previewing unfinished films during the course of production or of unfinished films in connection with the production of films, from the operation of all the provisions of the said Act and the rules made thereunder, subject to the following conditions namely:—

(1) No person other than the producer, director, artists, technicians, advisers and others engaged in or for the production of the film, shall be admitted or have access to the place where the exhibition is held.

(2) If inflammable cinema films are used, the rules for precautions against, and for prevention and extinction of fire, in force in the State in which the film studio or projection theatre is situated, shall be observed.

(3) The owner or person in charge of the film studio or the projection theatre shall, at least 15 days before starting exhibition of films, make a written report to the proper licensing authority and to the Chairman of the Central Board of Film Censors, Bombay, giving the following particulars:

(*a*) Name of the film studio or projection theatre with full address,
(*b*) Name of the owner or person in charge of the studio or the projection theatre;
(*c*) Date from which exhibition of films will be started; and
(*d*) Working hours of the studio or the projection theatre.

(4) Employees of the State Government and members of the Central Board of Film Censors and of its Advisory Panels engaged in the discharge of their official duties shall be admitted to the places where the exhibitions are hold and to the film shows.

[No. 20(50)/51-F/I.]

C. B. RAO, Dy. Secy.

NOTIFICATION. 836

No. L.D. 808—Legis. 5-52-51, dated Bangalore, 23rd July 1952.

Ordered that Notification No. S.R.O. 1133, dated the 19th June 1952 of the Ministry of Works, Housing and Supply amending the Explosives Rules, 1940, published in the *Gazette of India*, Part II, Section 3, dated the 28th June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS, HOUSING & SUPPLY.

New Delhi, the 19th June 1952.

S.R.O. 1133.—In exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884 (IV of 1884), the Central Government hereby directs that the following further amendment shall be made in the Explosives Rules, 1940, the same having been previously published, as required by section 18 of the said Act, namely :—

In the said Rules :—

For condition (2) relating to a licence in form 'K', the following condition shall be substituted, namely :—

"(2) Premises adjoining one another or in the same building, shall not be licensed, provided that not more than two such premises may be licensed for the sale of manufactured fireworks when the total quantity of such fireworks kept in those premises does not exceed 200 lbs."

[No. M-102(24)/51.]

S. K. GUHA, *Under Secy.*

NOTIFICATION.

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No. L.D. 809—Legis. 5-52-49, dated Bangalore, 23rd July 1952.

Ordered that Notification No. S.R.O. 1130, dated the 23rd June 1952 of the Ministry of Education framing rules under the Ancient Monuments Preservation Act, 1904, published in the *Gazette of India*, Part II, Section 3, dated the 28th June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF EDUCATION.

New Delhi, the 23rd June 1952.

S.R.O. 1130.—In exercise of the powers conferred by sections 15 and 23 of the Ancient Monuments Preservation Act, 1904 (VII of 1904), the Central Government hereby makes the following rules, the same having been previously published as required by the said sections, namely :—

1. No conferences, meetings, receptions, poetical symposia, wrestling bouts, physical culture feats and other functions of a like nature shall be held in any monument maintained by the Central Government except where such conferences, meetings, receptions, poetical symposia, wrestling bouts, physical culture feats and other functions are held under the terms of a subsisting agreement under section 5 of the said Act or are held as a matter of religious convention or usage or by virtue of any special rules framed in respect of any particular monument or monuments under section 15 thereof.

2. Any person guilty of a breach of the foregoing rule shall be punishable with a fine which may extend to twenty rupees.

[No. F. 4-12/51-A2.]

BINA CHATTERJEE, *Under Secy.*

NOTIFICATION. 838

No. L.D. 810—Legis. 5-52-50, dated Bangalore, 23rd July 1952.

Ordered that Notification No. S.R.O. 1132, dated the 23rd June 1952, of the Ministry of Communications amending the Indian Telegraph Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 28th June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

(Posts and Telegraphs.)

New Delhi, the 23rd June 1952.

S.R.O. 1132.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XII of 1885), the Central Government hereby directs that the following further amendment shall be made in the Indian Telegraph Rules, 1951, namely :—

For items (1) and (2) in rule 442 of the said Rules the following items shall be substituted, namely :—

"(1) within 4 miles of an exchange, *i.e.*, the exchange area—2 annas.

(2) over 4 miles and not exceeding 7 miles from an exchange—4 annas."

[No. R3-7/52.]

K. V. VENKATACHALAM, *Dy. Secy.*

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV.

Section 2-B.

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

No. L.D. 822—L.A. 27-52-4, dated Bangalore, the 28—29th July 1952

The following Order made by the Rajpramukh of Mysore is hereby published :—

ORDER.

I, Jaya Chamaraja Wadiyar, Rajpramukh of Mysore do hereby appoint the Chairman and Deputy Chairman of the Mysore Legislative Council to be persons before either of whom members of the said Council may make and subscribe the oath or affirmation in accordance with the provisions of Article 188 of the Constitution of India.

JAYACHAMARAJA WADIYAR,

MAHARAJA OF MYSORE.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. A.F. 4171—Agri. 76-52-3, dated Bangalore, 24th July 1952.

In exercise of the powers conferred by section 3 of the Destructive Insects and Pests Act, 1917 (Mysore Act No. VI of 1917), His Highness the Maharaja of Mysore is pleased to declare the Hassan and Chikmagalur Revenue Districts within the State, to be places infected with the plant disease due to Coffee Stem borer pest (XYLOTRECHWS QUADRIPES) in respect of coffee plants grown in that area for a period of one year.

By Order of His Highness the Maharaja,

A. S. KHALEEL,
Secretary to Government,
Local Self-Government Department.

No. M. 8224—A.C. 10-52-1, dated Bangalore, 23rd—25th July 1952.

In exercise of the powers conferred by Section 10, sub-section (1) of the Mysore Prevention of Corruption Act (Act XLIII) of 1948, His Highness the Maharaja is pleased to appoint Sri J. Appaji Gowda, B.A. (HONS.), as the Special Officer for Anti-Corruption Measures, and is further pleased to confer on the said officer all the powers of a Deputy Commissioner of a District under the Mysore Police Act, 1908, and the rules thereunder relating to the appointment, leave, transfer, punishment, control and discipline in respect of the Police officers working under him.

By Order of His Highness the Maharaja,

A. C. NIRVANI GOWDA,
Secretary to Government,
Education Department.

No. L.S. 2080—L.W. 39-52-7, Bangalore, dated 26th July 1952.

The following draft of certain further amendments to the Industrial Disputes (Mysore) Rules, 1951, which it is proposed to make in exercise of powers conferred by Section 38 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), is hereby published, for the information of all persons likely to be affected thereby as required by the said section and notice is hereby given that the draft will be taken into consideration on or after the 31st August 1952.

Any objections or suggestions, which may be received by the Secretary to Government, Law Department, Public Offices, Bangalore-1, from any persons with respect to the said draft before the date specified will be considered by the State Government.

DRAFT AMENDMENT.

1. In the said Rules in Rule 2, after clause (*g*) the following clause shall be inserted, *viz.*—

"(*h*) with reference to clause (*g*) of Section 2 of the Act it is hereby prescribed that, in relation to an industry carried on by or under the authority of a Department of the State Government, the officer-in-charge of the industrial establishment shall be the employer in respect of that establishment."

2. After Rule 29, the following Rule shall be inserted, namely :—

"29 *A Form of authority under Section* 36.—The authority in favour of a person to represent a workman or an employer in any proceedings under the Act shall be in Form CC."

3. To Rule 34, the following further proviso shall be added, *viz.*—

"Provided that where a registered Trade Union neglects or fails to furnish the information called for under Rule 33, within one month of the date of the notice requiring it to furnish such information, the members of such Union shall for purposes of this rule be treated as non-members."

4. In Rule 41, after sub-rule (4) the following sub-rule shall be added, *viz.*—

"(5) Every Workman entitled to vote at an electoral constituency shall have as many votes as there are seats to be filled in the constituency."

5. In Rule 43 :—

(*a*) For sub-rule (1) the following sub-rule shall be substituted, *viz.*—

"(1) The Committee shall have among its office-bearers a Chairman, a Vice-Chairman, a Secretary and a Joint-Secretary. Such office-bearers shall be nominated or elected, as the case may be, every year."

(*b*) For sub-rule (4), the following sub-rule shall be substituted, namely.—

"(4) The Committee shall elect the Secretary and the Joint-Secretary provided that where the Secretary is elected from among the representatives of the employers, the Joint-Secretary shall be elected from among the representatives of the workmen and *vice versa*:

Provided further that the post of the Secretary and the Joint-Secretary, as the case may be shall not be held by a representative of the employer or the workmen for two consecutive years."

6. After Rule 49, the following Rule shall be inserted, namely—

"49-A. *Complaints regarding change of conditions of service, etc.*—Every complaint under Section 33 A of the Act shall be presented in triplicate in Form DD and shall be accompanied by as many copies of the complaint as there are opposite parties to the complaint."

7. For sub-rule (2) of Rule 50, the following sub-rule shall be sustituted, *viz.*—

"(2) On receipt of a notice of a strike under sub-rule (1) the employer shall forthwith intimate the fact to the Conciliation Officer having jurisdiction in the matter."

8. In the Schedule—

(a) After Form C, the following form shall be inserted, namely.—

FORM CC.

[SEE RULE 29 A].

Before.....(Here mention the authority concerned).

Reference No. .....of.....
.... Workmen
.....versus.....
.....Employer
In the matter of.....
I/We hereby authorise Sri.....
to represent me/us in the above matter.

Dated this.....day of.....195
accepted.

(Signature).

(Signature) Address.

Address.

(b) After Form D, the following form shall be inserted, *viz.*—

FORM DD.

[SEE RULE 49 A].

Before the Industrial Tribunal.....
Complaint under Section 33 A of the Industrial Disputes Act, 1947.

A. .....Complaint (s)
Address :

Versus

B. ....(opposite party (ies)
Address :

In the matter of Reference No. .....
The petitioner (s) beg (s) to complain that the opposite party(ies) has/have been guilty of a contravention of the provisions of Section 33 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), as shown below :—

(here set out in short paragraphs particulars showing the manner in which the alleged contravention has taken place and the grounds on which the order or the act of the Management is challenged).

The complainant(s) accordingly pray(s) that the Tribunal may be pleased to decide the complaint set out above and pass such order or orders thereon as it may deem fit and proper.

The number of copies of the complaint and its annexures required by Rule 49 A of the Industrial Disputes (Mysore) Rules, 1951, are submitted herewith.

Dated this.....day of 195 .

(Signature).

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

No. R. 4427—L.S. 12-52-4, Dated Bangalore, 25th July 1952.

In exercise of the powers conferred by sub-section (2) of Section 6 of the Mysore Tenancy Act, 1952 (Mysore Act No. XIII of 1952), His Highness the Maharaja of Mysore is pleased to direct that the maximum rent payable by the tenants of lands situate in the areas specified hereunder shall not exceed one-third of the crop or crops raised on the lands, namely :—

Taluks of Thirthahalli, Hosanagar and Sagar of Shimoga District,

Koppa Taluk of Chikmagalur District.

This notification shall come into force from the 1st day of August 1952.

By Order of His Highness the Maharaja,

No. R. 4440—L.R. 32-50-75, dated Bangalore, 25th July 1952.

In exercise of the powers conferred by Section 233 of the Mysore Land Revenue Code, 1888 (Mysore Act No. IV of 1888), His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the Rules under the Mysore Land Revenue Code, namely :—

For rule 59 of the said rules, the following rule shall be substituted,—

"59. Notwithstanding anything contained in rule 58, the amount of fine payable under Section 63 of the Code, shall be at rates specified in column 3 in respect of the places and areas mentioned in columns 1 and 2 respectively of the following Schedule.

SCHEDULE.

Places	Areas	Rate of fine per acre
1	2	3
1. Bangalore City ...	Municipal Corporation limits and all lands within a distance of three miles from the Corporation limits.	Not less than Rs. 3,000 and not more than Rs. 4,000 per acre.
2. Mysore City ...	Municipal limits and all lands within a distance of three miles from the Municipal limits.	Do
3. District Headquarter Towns (other than the Cities of Bangalore and Mysore), Davangere City, the Towns of Tiptur, Bhadravati, Arsikere, Channapatna and Bangarpet, and the areas of the Kolar Gold Field Sanitary Board, Hindustan Aircreft Sanitary Board, Bhadravati New Town Board, Mandya Sugar Town Board, Harihar Industrial Town Board, Lakshmipuram Sanitary Board of Arsikere.	Within the Municipal limits or within two miles from the Municipal or Sanitary or Town Board limits and within two miles from the Railway Station if the Railway Station is outside Municipal or Sanitary or Town Board limits.	Not less than Rs. 2,000 per acre and not more than Rs. 4,000 per acre.
4. Taluk Headquarter Towns with a population of ten thousand and above according to 1951 Census other than those specified in item 3.	Within two miles from the Municipal limits and from the Railway Station if the Railway Station is outside the Municipal limits.	Not less than Rs. 1,000 and not more than Rs. 2,000 per acre.
5. Taluk Headquarter Towns other than those specified in items 3 and 4 or any place with a Railway Station or any other place included within a Municipality.	Within one mile from the Municipal limits or from the Railway Station if the Railway Station is outside the Municipal limits, and in places not near Municipalities within one mile from the Railway Station.	Not less than Rs. 500 and not more than Rs. 1,000 per acre.

By Order of His Highness the Maharaja,

No. T. 1600—R.T. 16-52-5, dated Bangalore, 26th July 1952.

In exercise of the powers conferred by Sections 21, 41, 65, 67, 68, 70, 71 (2), 73, 74, 75, 77, 80, 86 (2), 88, 90, and 91 of the Motor Vehicles Act, 1939, (Central Act IV of 1939) His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the Mysore Motor Vehicles and Road Traffic Rules, 1945, the draft of the same having been previously published in Part IV, Section 1 (c) of the *Mysore Gazette*, dated the 5th June 1952 in Notification No. T. 884—R.T. 16-52-1, dated the 2nd June 1952, as required by Section 133 of the said Act:—

1. In the said Rules, save as is otherwise hereinafter provided, and unless there is anything repugnant in the subject or context,—

(a) references to "the Act" in Chapters II to VII shall be construed as references to the Motor Vehicles Act, 1939, (Central Act IV of 1939) and references to any section of the Act shall be construed as references to the corresponding section of the said Motor Vehicles Act, 1939;

(b) references to the "Traffic Board" or the "Board" in Chapters II to VII and the forms in Appendix I, shall be construed as references to the State Transport Authority; and

(c) references to the District Magistrate in Chapter IV and the Forms in Appendix--I, referred in that Chapter shall be construed as references to the Regional Transport Authority of the District.

2. In Chapter II of the said Rules,—

(i) Rule 5 shall be omitted.

(ii) after Rule 16, the following rules shall be inserted:—

"16-A. *Appellate Authority.*—The authority empowered to hear appeals under sub-section (2) of section 13 or sub-section (3) of Section 15 of the Act, shall be the State Transport Authority.

16-B. *Appeal on Refusal of Authorization.*—Any person aggrieved by an order of the licensing authority refusing to grant an authorization to drive a public service vehicle may appeal to the State Transport Authority.

16-C. *Time for Appeal.*—An appeal under Rule 16-B shall be preferred within thirty days of the receipt of the order of refusal by the person aggrieved.

16-D. *Form.*—An appeal under Rule 16-B and an appeal under sub-section (2) of Section 13 or sub-section (3) of Section 15 of the Act shall be in the form of a memorandum setting forth concisely the

grounds of objection to the order which is the subject of appeal and shall be accompanied by the original or a certified copy of that order. A fee of two rupees shall be paid in respect of each appeal, such payment being made by means of court-fee stamps affixed to the memorandum of appeal".

3. In chapter III of the said Rules,—

(i) after Rule 48, the following rule shall be inserted :—

"48-A. *Temporary Registration—Delegation of Powers.*— Subject to the provisions of Section 25 of the Act and Rules 57-A to 57-D temporary certificates of registration may be issued by the persons appointed for the purpose by the registering authority."

(ii) after Rule 57, the following rules shall be inserted.

"57-A. *Temporary Registration—Application.*—An application for temporary registration shall be in Form-E, as set forth in the First Schedule to the Act and clearly marked "Temporary". It shall not be necessary to fill in items 14 to 20 of that Form notwithstanding that the vehicle may be a transport vehicle.

57-B. *Form.*—A temporary certificate of registration shall be in form 6-A.

57-C. *Assignment of Mark*—The authority granting a temporary certificate of registration shall assign a temporary registration mark to the vehicle and the owner shall cause the said mark to be affixed to the front and the rear of the motor vehicle in the manner prescribed for registration marks in these Rules."

(iii) In Rule 58 after item (v), the following item shall be inserted, namely :—

"(vi) for temporary registration Rs. 2."

(iv) In Rule 67, for the word "Province" the word "State" shall be substituted;

(v) In Rule 92 for the words "District Magistrate" the words "Regional Transport Authority" shall be substituted;

(vi) After Rule 108, the following Rules shall be inserted, namely :—

108-A. *Appellate Authority.*—The authority empowered to hear appeals against the orders of the registering authority shall be the State Transport Authority.

108-B. *Appeal in Respect of Certificate of Fitness.*—Any person aggrieved by any order made by a District Superintendent of Police or an Inspector of Motor Vehicles in respect of a certificate of fitness may, within fifteen days of the date on which he has received notice of such order, appeal against the order to the Regional Transport Authority.

108-C. *Appeal—Form and fee.*—An appeal under Rule 108-A, or 108-B shall be in the form of a memorandum setting forth concisely the grounds of objection to the order which is the subject of appeal and shall be accompanied by the original or a certified copy of such order.

A fee of Five Rupees shall be paid in respect of each appeal, such payment being made by means of Court-fee Stamps affixed to the memorandum of appeal".

4. In Chapter IV of the said Rules,—

(i) Rules 115, 118, 119, 120, 121, 123, 129, 131 to 136, 141 and 143 shall be omitted.

(ii) For Rules 109 and 110, the following rules shall be substituted, namely:—

"109. *The Transport Authorities.*—The names of the Members of the State Transport Authority and the Regional Transport Authorities to be constituted for the State and for each District respectively shall be notified by Government in the *Mysore Gazette.*

110. *Tenure of Office of non-official members of the State Transport Authority or Regional Transport Authorities.*—Every non-official Member of the State Transport Authority and Regional Transport Authorities shall hold office for a period of three years on and from the date on which his appointment is notified in the *Mysore Gazette* or until a later date on which the appointment of his successor is notified".

(iii) For Rule 112, the following rule shall be substituted, namely:—

112. *Meeting of the State Transport Authority and Regional Transport Authorities.*—The State Transport Authority and Regional Transport Authorities shall meet at least once a quarter on such date and at such time and place as may be determined by the Chairman and on such other occasions, so determined, as may be necessary for the prompt despatch of business:

Provided that adequate notice of such meetings and of the business to be transacted thereat shall be given for information of such persons who, being interested in the particular business to be

transacted, may reasonably claim to be permitted to attend for the purpose of making representations;

Provided further that at least seven days' notice of meeting shall be given to the Members.

(iv) For Rule 114, the following rules shall be substituted, namely —

"114. *Conduct of Business.*—(*a*) The Chairman shall regulate the conduct of business of the meetings.

(*b*) Every meeting of the State Transport Authority or Regional Transport Authorities shall be presided over by the Chairman and in his absence by a Member chosen by the meeting, at the instance of the Secretary, to preside for the occasion. The presiding member shall exercise all the powers of the Chairman.

(*c*) All questions which may come before the State Transport Authority or Regional Transport Authorities at any meeting shall be decided by a majority of members present and voting at the meeting and in every base of equality of votes the presiding member shall have and exercise a second or casting vote".

114-A. *Circulation of Papers.*—(*a*) Orders may be taken by circulating papers to the members of the State Transport Authority or Regional Transport Authorities unless any person has a right to be heard in accordance with the provisions of the Act and of these Rules, or unless in the opinion of the Chairman, any person has a reasonable claim to be heard in the matter. Where a case is so circulated it shall be open to any member to require that the matter shall be discussed at a meeting of the Authority concerned.

(*b*) Nothing contained in sub-rule (*a*) shall prevent the State Transport Authority or Regional Transport Authorities from deciding by the procedure of circulation any matter which has been considered at a meeting or has been the subject of hearing and upon which a decision has been reserved.

(v) For Rules 116 and 117, the following rules shall be substituted, namely :—

"116. *Duties of the Secretary, State Transport Authority and Chairman, Regional Transport Authorities.*—(*a*) The State Transport Authority and Regional Transport Authorities shall each have a Secretary who shall be appointed by the Government. The Secretary shall also be the Executive Officer of the State Transport Authority and the Chairman, the Executive Officer of the Regional Transport Authority. The Government may appoint such staff for the Office of the State Transport Authority or Regional Transport Authorities as they deem desirable.

(*b*) The Regional Transport Authority may for the prompt and convenient despatch of business by general or special resolution delegate to the Chairman the following functions :—

(i) Power under Section 47 of the Act to grant or refuse the Stage Carriage permit in cases where no objections or representations are received with reference to Section 57 (3) of the Act;

(ii) Power to regulate timings of Stage Carriages under Section 48 (*c*) of the Act and to attach to Stage Carriage permit conditions under Section 48 (*d*) of the Act;

(iii) Power under Section 50 of the Act to grant or refuse a Contract Carriage permit in cases where no objections or representations are received and power under Section 51 (*e*) of the Act to impose conditions on the use of a Contract Carriage;

(iv) Power under Section 53 of the Act to grant or refuse a Private Carrier's permit and power to impose conditions subject to general or special orders of the State Transport Authority;

(v) Power under Section 55 of the Act to grant or refuse Public Carrier's permit in cases where no objections or representations are received with reference to Section 57 (3) of the Act and power under Section 56 (*b*) of the Act to attach conditions to a Public Carrier permit;

(vi) Power under Section 57 (2) of the Act to appoint dates for the receipt of applications for Stage Carriage or Public Carrier's permit;

(vii) Power under Section 57 (3) of the Act to publish applications for Stage Carriage or Public Carrier's permit;

(viii) Power to renew a permit under Section 58 of the Act and power to extend the validity of the permit under Section 63 of the Act subject to the restrictions contained in clauses (i), (iii), (iv) and (v);

(ix) Power under Section 59 (1) of the Act to transfer a permit otherwise than on the death of the permit-holder in the case of vehicles other than Stage Carriage and power under Section 61 of the Act in respect of all vehicles on the death of a permit-holder;

(x) Power under Section 59 (2) of the Act to permit the replacement of one vehicle by another;

(xi) Power under Section 60 of the Act to suspend a permit;

(xii) Power under Section 62 of the Act to grant a temporary permit.

(c) The State Transport Authority may for the prompt and convenient despatch of its business by general or special resolution delegate to its Secretary all or any of the powers vested in it :

Provided—

That no delegation to the Secretary, State Transport Authority, shall be made in respect of the following :—

(i) Power under Section 44 (3) (a) of the Act to co-ordinate, and regulate the activities of the Regional Transport Authorities ;

(ii) Power under Section 44 (3) to settle disputes or differences of opinion between the Regional Transport Authorities ;

(iii) Power under Section 47 of the Act to grant or refuse Stage Carriage permits in cases where objections or representations are received with reference to Section 57 (3) of the Act ;

(iv) Power under Section 50 of the Act to grant or refuse Contract Carriage permits in cases where objections or representations are received ;

(v) Power under Section 64 of the Act to hear and dispose of appeals except the power to refuse to entertain appeals where such appeals are out of time and are otherwise clearly inadmissible under these Rules and the power to grant or refuse interim stay of orders of Regional Transport Authorities, appealed against :

Provided further that where the State Transport Authority delegates to its Secretary the power vested in it under Section 55 of the Act to grant or refuse public carrier permits, the Secretary shall exercise such power subject to such orders and directions as the State Transport Authority may from time to time issue in this behalf.

(d) The Secretary of the State Transport Authority and the Chairman of the Regional Transport Authority shall place before the next meeting of the Transport Authority concerned a report in writing of all action taken by him under the powers delegated to them.

(e) All orders of delegation made by the State Transport Authority or the Regional Transport Authority shall be posted on a Notice Board at the Office of the Transport Authority concerned.

(f) The State Transport Authority or the Regional Transport Authority may give general instructions as to the manner in which the Secretary or the Chairman shall exercise the powers delegated to him.

117. *Delegations to District Magistrates, etc.* (1) The State Transport Authority or the Regional Transport Authority may by general resolution delegate to the District Magistrate or in his absence to his Gazetted Assistant the power under Section 62 of the Act to grant a temporary permit for a transport vehicle for a specified journey in any emergency;

Provided:

That such Gazetted Assistant shall exercise this power only during the absence of the District Magistrate from headquarters.

(2) The District Magistrate or his Gazetted Assistant, as the case may be, shall make a report of the action taken by him in exercise of the powers delegated to the Transport Authority concerned at its next meeting.

(3) A temporary permit granted for a specified journey in pursuance of the delegation shall be valid in any other District or Districts in which the route may lie, but the Officer granting such temporary permits shall make a report thereof to the Authority or Authorities of the other District, or Districts concerned.

(vi) For Rule 122, the following rule shall be substituted, namely:—

122. *Power of Government to remove Members.*—The Government may at any time after considering the representations, if any, put forward by the Members against such action, remove any member of the State Transport Authority and the Regional Transport Authorities from his office for failure to attend three consecutive meetings of the State Transport Authority or the Regional Transport Authorities without good reasons or for any other reason they consider adequate, provided that the total period of absence shall not exceed six months.

(vii) For Rule 127, the following rule shall be substituted, namely:—

"127. *Application for Grant or Renewal of Permits.*—Every application for the grant or renewal of a permit or for an endorsement or renewal of an endorsement of a permit or for an extension or renewal of an extension of validity of a permit shall be made to the Transport Authority concerned which shall acknowledge its receipt. The Regional Transport Authority shall subject to such exemptions as may be made by the State Transport Authority, call for applications in forms prescribed by a notice published in the *Mysore Gazette*, within a specified period of not less than fifteen days from the date of notification in the Gazette.

The State Transport Authority, may, subject to such exceptions as it may make, direct any Regional Transport Authority to take similar action in respect of permits for a Stage Carriage on any through route or routes."

(viii) For Rule 130 the following shall be substituted, namely:—

130. *The State Transport Authority to be Transport Authority for through traffic.*—The State Transport Authority shall be the sole Transport Authority in regard to through traffic and along such other roads as may be notified for this purpose, in the *Mysore Gazette* by the Government, and shall in respect of such traffic exercise the powers and functions conferred upon a Regional Transport Authority by or under Chapter IV of the Act and Rules, if any, made thereunder.

For the purposes of this rule, through traffic shall be deemed to be traffic beyond any one Revenue District in the State, and on routes from any point in a District to the State frontier or proceeding beyond the State frontier to any destination outside the State limits.

(ix) In Rule 139, the words from "with his recommendations" up to the end of the rule shall be omitted.

(x) For Rule 142, the following rule shall be substituted, namely :—

142. *Extension of Service.*—The State Transport Authority may at any time grant extension to any service if it is satisfied after enquiry that the needs of the public demand such extension sought for is beyond the jurisdiction of the Regional Transport Authority which has issued the original permit.

(xi) After Rule 143, the following rules shall be inserted, namely :—

143-A. *Applications—Publication of* :—Upon receipt of an application for a stage carriage permit or a public carrier's permit, the Chairman of the Regional Transport Authority or of the Secretary, the State Transport Authority, as the case may be, shall publish the substance of the application together with the notice of the date before which representations may be submitted and of the date appointed for consideration, on a suitable notice board situated on the permises of the Authority.

143-B. *Applications—Publication of* :—It shall be sufficient compliance with the provisions of sub-section (3) of Section 57 of the Act if the particulars specified in that sub-section are posted on the official notice board of the Transport Authority not less than 15 days before the date appointed for the receipt of representations.

(xii) For Rule 146, the following rule shall be substituted, namely :—

146. It shall be a condition of every permit to use the vehicle or vehicles specified in it that tax shall be paid in respect of the vehicle or vehicles in accordance with the provisions of the Mysore Motor Vehicles Taxation and Tolls Act, 1951, and the Rules thereunder. When a Transport Authority has suspended a permit for non-payment of tax, the order of suspension shall be in force only as long as the tax remains unpaid and shall be inoperative immediately on payment of the tax due on the vehicle or vehicles as the case may be.

(xiii) For Rules 170 and 171, the following rules shall be substituted, namely :—

170. *Permit—Delivery on Expiry* :—Within fourteen days of the expiry of any permit by the efflux of time, the holder who is not willing to run the service any longer shall deliver the permit to the Regional Transport Authority by whom it was issued and the Regional Transport Authority receiving any such permit shall intimate the fact to the authorities in whose jurisdictions the vehicle plies and in cases where the route extends over the jurisdiction of more than one Regional Transport Authority, report the matter to the State Transport Authority who may fill up the vacancy so caused having regard to the needs of the public.

171. *Permit—Transfer of* :—(*a*) When the holder of a permit desires to transfer the permit to some other person under sub-section (1) of Section 47 of the Act, he shall, together with the person to whom he desires to make the transfer, make joint application in writing to the Regional Transport Authority by whom the permit was issued, setting forth the reasons for the proposed transfer and the Regional Transport Authority may pass such orders thereon as it deems fit.

(b) In cases of permits relating to routes extending beyond the jurisdiction of the Regional Transport Authority, the concerned Regional Transport Authority shall forward such applications to the State Transport Authority along with its remarks and with particulars of premium, etc., and the State Transport Authority shall pass such orders as it may deem fit.

(xiv) In Rules 176, 177, 178, 180, 190 and 197, for the words "District Magistrate" the words "Transport Authority", shall be substituted.

(xv) Sub-Rule (1) of Rule 183, shall be omitted.

(xvi) After Rule 276, the following Rules shall be inserted, namely :—

276-A. *Appeals.*—An appeal shall lie to the State Transport Authority against any order passed by a Regional Transport Authority within 30 days from the date of receipt of intimation of such order excluding the time required for preparing and obtaining a certified copy. From every original order of the State Transport Authority or an order passed on an appeal preferred against the order of Regional Transport Authority an appeal shall lie to Government within 90 days from the date of communication of such order subject to the condition that the time required to prepare and obtain a copy of the order appealed against shall be excluded.

Explanation.—For the purpose of this Rule, an order by the Secretary of the State Transport Authority or the Chairman of the Regional Transport Authority acting under authority delegated to such Secretary or Chairman by the State Transport Authority or the Regional Transport Authority, as the case may be, shall be deemed to be an order of the State Transport Authority or the Regional Transport Authority, as the case may be.

276-B. Such appeals shall be in the form of a memorandum setting forth concisely the grounds of objection to the order, which is the subject of appeal and shall be accompanied by the original or a certified copy of that order.

276-C. A fee of Rs. 10 (Rupees ten) in respect of each appeal to the State Transport Authority and Rs. 25 (Rupees twenty-five) in respect of each appeal to Government shall be paid, such payment being made by means of Mysore Court Fee Stamps affixed to the memo of appeal.

276-D. In any appeal filed either before the State Transport Authority or the Government, the State Transport Authority or the Government may in their discretion, pending the disposal of the case, direct the execution of the order complained against to be stayed.

276-E. The State Transport Authority or the Government may in their discretion give an opportunity to the appellant to be heard either personally or by Pleader and pass such orders as they deem fit after perusal of the entire records connected with the case.

5. In Chapter VII, in Rule 474, after the words "District Magistrate" insert "Or the Regional Transport Authority".

6. In Appendix 1, after Form 6 the following Form shall be inserted, namely:—

FORM 6-A.

Temporary certificate of registration.

(*Rule 57-B, of the Mysore Motor Vehicles and Road Traffic Rules, 1945*).

Temporary registration mark .....

Name, Name of Father and address of owner .....

.....

Description of Vehicle.

1. Class of vehicle
2. Maker's name.
3. Type of body.
4. Seating capacity.
5. Colour.

Under the provisions of Section 25 of the Motor Vehicles Act, 1939, the vehicle described above has been temporarily registered by me and the registration is valid until the.....day of ..... 19 .

Date ....19 .

.....

(Signature and designation of Registering Authority or person appointed under Rule 48.)

By Order of His Highness the Maharaja,

No. R. 4555—L.S. 12-52-5, dated Bangalore, 29th July 1952.

The draft of the following Rules which it is proposed to make in exercise of the powers conferred by Section 43 of the Mysore Tenancy Act, 1952 (Mysore Act No. XIII of 1952), is hereby published for the information of all persons likely to be affected thereby as required by sub-section (3) of the said Section.

Notice is hereby given that the draft will be taken into consideration by the Government on or after 1st September 1952.

Objections or suggestions, if any, to the proposed draft may be forwarded for consideration to the Secretary to Government, Revenue Department, Old Public Offices, Bangalore, before the said date.

DRAFT

The Mysore Tenancy Rules, 1952.

Short title.

1. These Rules may be called the Mysore Tenancy Rules, 1952.

Definitions.

2. In these Rules, unless there is anything repugnant in the subject or context,—

(*a*) "Act" means the Mysore Tenancy Act, 1952;

(*b*) "Section" means a section of the Act;

(*c*) "Form" means form appended to these Rules;

(*d*) Words and expressions used but not defined in these Rules shall have the meanings respectively assigned to them in the Act.

Determination of Maximum rent.

3. The maximum rent payable under sub-section (1) of Section 6 shall be determined by the Amildar in the following manner:—

(1) The total yield from the land shall first be determined by him. This yield shall be based on the rates estimated on any of the following data, whichever is lower:—

(*a*) the quantity of average yield per acre of that crop as arrived at by actual crop cutting experiments, if any, conducted by the Government in that year in or near that local area;

(*b*) if no such experiments have been conducted in that year, the average yield per acre fixed for that local area previously on the basis of such experiments;

(*c*) the actual yield per acre agreed to by the landlord and the tenant;

(*d*) the actual yield of the crop per acre from the land or from a similar land in the local area during the preceding five years as may be determined by the Amildar after taking necessary evidence.

(2) After the total yield of the land is determined in accordance with sub-rule (1), the value of that crop shall be calculated in any one of the following methods:—

(*a*) on the basis of the prices, if any, fixed by the Government for the purchase of commodities such as foodgrains under any law for the time being in force; or

(*b*) at rates recorded according to the scheme relating to the recording of harvest prices, if the crop is one of those for which such prices are taken; or

(*c*) at rates published by the Chief Marketing Officer for the period from January to May each year; or

(*d*) at rates prevailing in the local area as ascertained by the Amildar after taking further evidence regarding such matters as the average rates at which commodities were sold in the shandy.

Application for commutation of rent in terms of service or labour into cash.

4. An application for commutation or rent received in terms of service or labour into cash under sub-section (1) of Section 9 shall be in Form No. I.

Determination of reasonable rent.

5. (1) An application under sub-section (1) of Section 12 for determination of the reasonable rent of any land shall be in Form No. II.

(2) The other factors which shall be taken into consideration by the Amildar under clause (*e*) of sub-section (3) of Section 12 are the following:—

(i) the value of any service or contribution made by the landlord towards the cultivation of a tenant's

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holding such as protection of crop, grant of seeds or manure, and ;

(ii) the value of any service or contribution made by a tenant towards maintenance of or repairs to bunds, channels, hikkals, fences and farm houses ;

Determination of tenancy under Section 16.

6. (1) Before a tenancy is terminated under sub-section (1) of Section 16, a notice in writing in Form No. IX shall be served on the tenant as required by sub-section (2) of Section 16.

(2) The Amildar shall determine the area in respect of which the tenancy should be terminated.

(3) For the termination of the tenancy under Section 16, an application in writing in Form No. VIII shall be presented to the Amildar by the landlord.

(4) The area, the tenancy in respect of which is to be terminated under sub-section (2) of section 16 shall be determined by the Amildar in the following manner subject to the minimum specified in the said sub-section :—

(i) if the area of land, the tenancy of which is to be terminated comprises dry, wet and garden lands, the area determined shall comprise all the three categories in the same proportion as the extent of land subject to termination, bears to the total extent of cultivable land held by the tenant under the said landlord.

(ii) In cases where the tenancy has to be terminated in respect of land exceeding one half of the cultivable extent held by the tenant the area in respect of which tenancy should be terminated shall be determined in the following manner :—

(*a*) If the extent of cultivable land held by the tenant under the said landlord exceeds eight acres but does not exceed ten acres, the extent that remains with the tenant after termination shall not be less than four acres ;

(*b*) In cases where the extent of the land exceeds ten acres, the extent of area in respect of which the tenancy has to be terminated over and above one half of the cultivable extent of

the land shall be according to the following scale :—

Where the extent of the cultivable land held by the tenant under the said landlord exceeds :	The additional extent of area in respect of which the tenancy has to be terminated over and above one-half of the extent of land, shall be ;
(1) 10 acres but does not exceed 20 acres	25 per cent of the land remaining over after termination in respect of one-half of the cultivable land.
(2) 20 acres do 30 acres	20 per cent do
(3) 30 acres do 40 acres	15 per cent do
(4) 40 acres do 50 acres	10 per cent do
(5) Above 50 acres ...	5 per cent

7. (1) The certificate of transfer of a site to be granted by the Amildar under sub-section (3) of Section 19 shall be in Form No. III. Certificate of transfer of house site and fees therefor.

(2) Before a certificate of transfer of a Site is granted by the Amildar, fees calculated on the value of such site at the rates specified in Column 2 of the Schedule appended to these Rules shall be paid.

8. (1) The certificate to be issued by the Amildar under sub-section (3) of Section 22 shall be in Form No. IV. Certificate of purchase of land fees therefor.

(2) Before a Certificate of purchase is granted by the Amildar, fees calculated on the value of the land at the rates specified in Column 2 of the Schedule appended to these Rules shall be paid.

9. The receipt to be given by a Landlord to a tenant under sub-section (2) of Section 26 shall be in Form No. V. It shall be in the Kannada language and the counterfoil of such receipt shall be signed by the tenant or his authorised agent in acknowledgment of the correctness of the counterfoil and receipt of the copy. When a share of the produce is paid as rent, kind and quantity of such produce shall be mentioned in such Receipt. The quantity shall be expressed, in the case of any commodity usually calculated : Receipt for rent.

(*a*) by measure, in terms of Standard Palla of one hundred seers ;

(b) by weight, in terms of the Standard Maund of nine hundred and sixty tolas.

Application for possession of land or dwelling house.

10. An application for possession of any land or dwelling house under sub-section (1) or sub-section (2) of Section 29 shall be in Form No. VI.

Application for recovery of rent.

11. An application by a land-lord for recovery of rent payable to him by a tenant under sub-section (1) of Section 30 shall be in Form No. VII.

Application in other cases.

12. All enquiries and other proceedings before the Amildar except those in respect of which a specific form of application has been prescribed in the foregoing Rules, shall be commenced by an application in Form No. VIII.

Execution of Orders of Amildar awarding or restoring possession of land.

13. An order of the Amildar awarding possession or restoring possession or use of any land shall be executed in the following manner :—

(a) The order in each case shall be served on the person concerned with a notice in writing directing him to hand over or restore possession or use of the land to the party mentioned in the notice within fifteen days from the date of service of the said notice;

(b) If, even after service of such a notice, the direction given therein is not complied with, the Amildar shall evict the person concerned by removing, or deputing a subordinate officer, to remove such person.

Court fees.

14. (1) Every application made to the Amildar under the Act shall bear a Court Fee Stamp of one rupee and every memorandum of appeal or application made to the Assistant Commissioner or the Deputy Commissioner shall bear a Court Fee Stamp of Rupees two and three, respectively.

(2) Every revision application made to the Government under the Act shall bear a Court Fee Stamp of Rupees five.

FORM No. I.

(*See Rule 4.*)

Form of application for commutation of rent in terms of service into cash under Section 9.

To

The Amildar of.....Taluk.

Name of the Applicant :—

Age Profession Place of residence.

Name of the opponent :—

Age Profession Place of residence.

Sir,

I am the landlord and the opponent is a tenant of the following land :—

S. No.	Hissa No.	Area A. G.	Assessment	Village	Taluk

The rent of the land is as given below :—

Here give details of the rent including the details of the rent received in terms of service OR labour).

I apply for commutation of the rent received in terms of service or labour into cash and for determination of the cash rent.

The extracts of the Record of Rights concerning the land are enclosed.

I also enclose the following documents :—

(Here give a list of the documents).

(Names of the Witnesses, if any, should be stated. It should also be stated whether they are to be summoned or whether the applicant will produce them).

Yours faithfully,

Date *Signature of the Landlord.*

FORM No. II.

(*See Rule 5*)

Form of application for determination of reasonable rent under Section 12.

To

The Amildar of.....Taluk.

Name of the applicant :—

Age Profession Place of residence.

Name of the opponent :—

Age Profession Place of residence.

Sir,

I am the landlord/tenant of the following land :—

S. No.	Hissa No.	Area A. G.	Assessment	Village	Taluk

Sri.....is the tenant/landlord of this land from the year.....

The present rent of the land is.....

The rent is not reasonable for the following reasons :—

(Here state the reasons)

I am prepared to accept/pay rent namely.....as reasonable rent of the land. I request you to determine the same under Section 12 of the Mysore Tenancy Act, 1952.

The extracts of the Record of Rights concerning the land are enclosed.

I also enclose the following documents. (Here give a list of the documents).

(Names of the witnesses, if any, should be stated. It should also be stated whether they are to be summoned or whether the applicant will produce them).

Yours faithfully,

Date *Signature of the Landlord/tenant.*

FORM No. III.

(See Rule 7)

Form of Certificate under Section 19 (3).

Whereas Sri/Sm./Janab/Janaba.....is in occupation of the site.....specified below belonging to Sri/Sm./Janab/Janaba.....and whereas under the provisions of sub-section (3) of Section 19 of the Mysore Tenancy Act 1952. Sri/Sm./Janab/Janaba.....was required to deposit and has deposited Rs.....(in words) for the transfer of the said site to him; it is hereby certified that the said site shall be deemed to have been transferred to Sri/Sm./Janab/Janaba.....under the provisions of Sub-Section (3) of Section 19 of the said Act.

Description of Site.

District	Taluk	Village	Survey No. or Khaneshumari No.	Hissa No.	Area	Boundaries

Signature,

Place.....

Amildar.....

Date.....

Taluk.....

FORM No. IV.

(See Rule 8).

Form of Certificate under Section 22 (3).

Whereas Sri/Sm./Janab/Janaba..... .....is the protected tenant of the land specified below belonging to the landlord..... .....and whereas under the provisions of sub-section 3 of Section 22 of Mysore Tenancy Act, 1952, the tenant Sri/Sm./Janab/Janaba.....was required to deposit and has deposited Rs.. .....(in words) as price of the said land. It is hereby certified that the said protected tenant Sri/Sm./Janab/Janaba ....shall be deemed to be the purchaser of the said land under the provision of sub-section (3) of Section 22 of the said Act.

District	Taluks	Village	S. No.	Hissa No.	Area	Assessment	Boundaries

Place Signature,

Date Amildar.....Taluk.

COUNTERFOIL.

FORM No. V.

(*See Rule 9*).

Form of Receipt.

District	Taluks	Villages	Survey Number	Hissa Number	Area	Name of the field if any	Name of tenant	Rent agreed upon (if crop share, rent according to appraisement) for the year	Rent actually recovered in cash or kind	Total rent in cash or kind recovered during the current year
1	2	3	4	5	6	7	8	9	10	11
	For the Current year. For arrears.									

Received to-day the rent specified in Column 10 from Sri/Janab.....

Signature of landlord or his authorised agent.

Signature or thumb mark of tenant or his authorised agent.

Date.....

FORM No. V.

(*See Rule 11*).

Form of Receipt.

District	Taluks	Villages	Survey Number	Hissa Number	Area	Name of the field if any	Name of tenant	Rent agreed upon (if crop share, rent according to appraisement) for the year	Rent actually recovered in cash or kind	Total rent in cash or kind recovered during the current year
1	2	3	4	5	6	7	8	9	10	11
	For the Current year. For arrears.									

Received to-day the rent specified in Column 10 from Sri/Janab.....

Signature of landlord or his authorised agent.

Date.....

FORM No. VI.

(See Rule 10).

Form of application for possession under Section 29.

To

The Amildar,

.....Taluk.

Name of the applicant.....

Age.....Profession.....Place of residence .....

Name of opponent.....

Age.....Profession.....Place of residence.....

Sir,

I do hereby state that I am entitled to the possession of the property, namely.—

Name of village	S. No.	Hissa No.	Area A. g.	Assessment	Name of Landlord

In the following circumstances:—

(Here state the circumstances in full).

The property is at present in the possession of the opponent. I apply that possession of the property be handed over to me at an early date.

The extracts of Record of Rights concerning the land are enclosed.

I also enclose the following documents:—

(Here give a list of the documents).

(Names of the witness if any, should be stated. It should also be stated whether they are to be summoned or whether the applicant will produce them).

Yours faithfully,

Date..... Signature of the applicant.

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FORM No. VII.

(*Section Rule* 11).

(Form of application for recovery of rent).

To

The Amildar,

.....Taluk.

1. Name of applicant and father's name.	Name of applicant or tenant and his father's name.
2. Age.	Age.
3. Profession.	Profession.
4. Place of residence.	Place of residence.

Sir,

I am the Landlord of the land described balow :

Taluk	Village	Khate number and name of Khatedar	S. No. and Sub-number	Area	Assessment

The opponent is a tenant and a rent of Rs.....(if in cash .....pallas or maunds (if in kind) is payable by him to me annually and he has not paid this rent for the following years.

(Here state the yearwar details and the amount due for each year.)

I request that the rent due to me as above may be recovered under section 30(3) of the Act and paid to me.

I herein enclose an extract of the Index of Land Records in respect of the above land and also the following documents in support of the rate and amount of rent due to me for recovery of which I have applied now.

(Herein enter the details of the documents).

Yours faithfully,

Date

Signature.

FORM No. VIII.

(*Rule* 12).

(Form of application under Section 33 of the Act).

To

The Amildar,

..... Taluk.

---

1. Name of applicant and father's name.	Name of opponent and father's name.
2. Age	Age.
3. Profession.	Profession.
4. Place of residence.	Place of residence.

Sir,

I am the Landlord/tenant of the land described blow ;

Taluk	Village	Khate number and Name of Khatedar	S. No. and Sub-number	Area	Assessment

The opponent is a tenant/landlord and a rent of Rs..... (if in cash) or maunds or pallas of (if in kind) is payable to me/by me annually.

(Herein state a brief history of the case, the relief prayed for and section of the Act under which the relief is claimed.

I herein enclose the following documents in support of my claims as set out in the above. (Herein enter the details of documents).

The following persons may be examined as Witnesses for me.

(Herein enter the names and addresses of such witnesses).

Yours faithfully,

Signature,

Date

Landlord/Tenant.

FORM No. IX.

(*See* Rule 6).

(Form of notice to the tenant by a landlord intimating his desire to terminate the tenancy).

(Herein give the details of Name and address of the tenant).

Please take Notice that I am entitled to terminate the tenancy of the land described below for the reasons stated herein under section 16(1) and 2 of the Mysore Tenancy Act and I shall proceed to take action in furtherance thereof after a period of not less than one year from the date of this notice, expiring with the end of the year.

(Herein give the reasons).

Signature of the Landlord with address.

Taluk

Village

Khate No. and Name of the Khatedar

Survey No. and Sub number

Area

Assessment

THE SCHEDULE. SEE RULE 7 (2) and 8 (2).

Value determined.	*Scale of Fees.*
When the value of the site or land does not exceed Rs. 1,000.	2½ per cent of the value subject to a minimum of Rs. 2.
When the value of the site or land exceeds Rs. 1,000 but does not exceed Rs. 5,000.	For the first Rs. 1,000, 2½ per cent. For the amount in excess of Rs. 1,000, one per cent.
When the value of the site or land exceeds Rs. 5,000.	For the first Rs. 1,000, 2½ per cent. For the amount in excess of Rs. 1,000 and up to Rs. 5,000, one per cent. For the amount in excess of Rs. 5,000, half per cent.

Note.—Any fraction of a hundred rupees not less than Rs. 51 shall be treated as one hundred rupees and any such fraction less than Rs. 51 shall be ignored for calculating the percentage of the value.

By Order of His Highness the Maharaja,

M. S. SWAMINATHAN,

Secretary to Government,
Revenue Department.

(HOME DEPARTMENT).

No. H.A. 3513—Pol. 76-52-1, dated Bangalore, 25th July 1952.

In exercise of the powers conferred by sub-section (1) of Section 3 of the Mysore Police Act, 1908 (Act V of 1908), His Highness the Maharaja of Mysore is pleased to extend the provisions of section 56 of the Mysore Police Act, 1908, as amended from time to time, to Sokke and Yerlakatte villages of Jagalur Taluk, Chitaldrug District.

By Order of His Highness the Maharaja,

No. H. A. 3551—Pol. 395-51-5, Bangalore, dated 26th July 1952.

In exercise of the powers conferred by Section 8 of the Mysore Cinematograph Act, 1923 (Act XII of 1923), His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the Mysore Cinematograph Rules, 1946 :—

1. (i) In Rule 59 of the said rules, for sub-rule (3) the following sub-rule shall be substituted.—

"(3) The following fire-extinguishing appliances shall be provided in every Cinema theatre:—

In the projection room.—A bucket of water with a wet blanket, a bucket of dry sand and a portable fire-extinguisher of a pattern approved by the licensing authority.

In the auditorium.—Four portable fire-extinguishers of a pattern approved by the licensing authority and a supply of not less than five gallons of water per 100 sq. feet of floor area stored as follows:—

Thirty-three per cent of the supply or 60 gallons, whichever is greater, stored in buckets of two or three gallons capacity each inside the auditorium, and the balance stored in tanks or cisterns or buckets of any capacity so arranged as to be easily accessible, the arrangements in this regard having been approved by the licensing authority.

(ii) In sub-rule (8) for the words "five years" the words "three years" shall be substituted and for the

words "every two years thereafter" the words "annually thereafter" shall be substituted.

(iii) After sub-rule (8) the following shall be inserted, namely :—

"(8A) In addition to the fire-fighting appliances specified in sub-rules (3) and (4) the following equipment shall be provided and maintained :—

(i) At least four stirrup pumps and eight buckets filled with water if there is no gallery or first floor in the premises, and at least six stirrup pumps and twelve buckets filled with water if there is a gallery or first floor in the premises in which case, at least two stirrup pumps and four buckets filled with water shall be kept in the gallery or first floor.

(ii) The attendants and staff of the cinema theatre shall be trained in the use of all fire-fighting appliances maintained in the premises.

(8B) The licensee shall—

(i) Once in every three months empty the container of each portable fire-extinguisher provided in the licensed premises, clean its nozzles and working parts, stir the liquids in it and top it up, immediately record the date of having done so on a slip of paper and paste the same on the outside of such container, and

(ii) once in every year discharge each portable fire-extinguisher provided in the licensed premises and re-charge it and immediately record the date of such re-charge in durable point on the external surface of the container of the portable fire-extinguisher."

2. In form A after the item, "date of last inspection by the Executive Engineer" the item "Date of last inspection by the Fire Officer" shall be inserted.

By Order of His Highness the Maharaja,

———

No. H.A. 3562-Pol. 73-52-2, Bangalore, dated 26th July 1952.

In exercise of the powers conferred by Section 8 of the Cinematograph Act, 1923 (Mysore Act XII of 1923), His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the Mysore Cinematograph Rules, 1946, *viz.*—

In the said rules, sub-rule (2) of Rule 44, shall be re-numbered as sub-rule (3) and the following sub-rule shall be inserted as sub-rule (2) of the said rule.

"(2) No person who does not possess a valid certificate for having passed the cinema operators' examination conducted by Sri Jayachamarajendra Occupational Institute, Bangalore, or any other institution in India recognised by the Government, shall be appointed as operator in any cinema theatre.

NOTE.—This sub-rule shall not apply to the cinema operators who have been working for more than three years in a cinema theatre as cinema operators provided they have obtained a certificate to that effect from the Government Electric Inspector competent to inspect the cinema theatres."

By Order of His Highness the Maharaja,

G. N. NAGARAJA RAO,
Secretary to Government,
Home Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV.

Section 2-D

RULES MADE BY THE HIGH COURT OF MYSORE.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

CIVIL SIDE.

Rule of Practice No. 184.

Dated 16th July 1952.

With the previous sanction of His Highness the Maharaja, the High Court hereby makes the following Rule of Practice. This shall be inserted as paragraph 465-A under Chapter XVIII, Part II at page 133 of the Civil Rules of Practice and Circular Orders, Volume I:—

"465-A. In exercising such control the Munsiff shall be assisted by the head ministerial officer of his Court. The head ministerial officer shall, under the directions of the Munsiff, check the work of the process establishment with reference to the prescribed registers kept in the Process Nazir's Office to find out whether the work is being carried on in accordance with the rules."

T. KEMPAIYA,
Registrar.

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PART IV

Section 1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 829—Legis. 4-52-12, Bangalore, dated 28th July 1952.

Ordered that the Indian Tariff (Third Amendment) Act, 1952 (Central Act No. XLV of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 22nd July 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received assent on 22nd July 1952.

THE INDIAN TARIFF (THIRD AMENDMENT) ACT, 1952.

(No. XLV OF 1952)

AN

ACT

further to amend the Indian Tariff Act, 1934.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Indian Tariff (Third Amendment) Act, 1952.

2. **Amendment of Section 4A, Act XXXII of 1934.**—In Section 4A of the Indian Tariff Act, 1934 (hereinafter referred to as the principal Act),—

(*a*) in sub-section (1), for the words "a temporary amendment" the words "an amendment" shall be substituted; and

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(*b*) for sub-section (3), the following sub-section shall be substituted namely :—

"(3) For the removal of doubts it is hereby declared that any notification approved by Parliament, whether with or without modifications, may be rescinded by the Central Government at any time by notification in the Official Gazette."

3. Validation of certain notifications.—Notwithstanding anything contained in sub-section (3) of Section 4A of the principal Act as in force immediately before the commencement of this Act, the notifications of the Government of India in the Ministry of Finance (Revenue Division), No. S.R.O. 857 and No. S.R.O. 1008, dated the 1st day of June, 1951 and the 30th day of June, 1951, respectively, shall be deemed never to have ceased to have effect, and shall continue to be in force.

K. Y. BHANDARKAR,

Secretary to the Government of India.

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PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES

NOTIFICATION.

No. L.D. 825—Legis. 5-52-53, Bangalore, dated 28th July 1952.

Ordered that Notification No. F. 8 (4)-(B)—52, dated the 5th July 1952 of the Ministry of Finance amending the Public Debt Rules, 1946, published in the *Gazette of India*, Part I, Section 1, dated the 12th July 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE.

New Delhi, the 5th July 1952.

No. F. 8 (4)-B—52.—In exercise of the powers conferred by Section 28 of the Public Debt Act, 1944 (XVIII of 1944), the Central Government hereby directs that the following amendment shall be made in the Public Debt Rules, 1946, the same having been previously published as required by sub-section (1) of the said section, namely :—

In rule 25 of the said Rules, after sub-rule (3), the following sub-rule shall be inserted, namely :—

"(4) If the Public Debt Office is of the opinion that a doubt exists relating to the title to a Government security, it may require the claimant to execute a bond in Form V with one or more sureties approved by the the Public Debt Office, or to furnish security not exceeding twice the value of the security, to be held at the disposal of the Bank, to pay to the Bank or to any person to whom the Bank may assign the bond or security, the amount thereof."

H. S. NEGI, Dy. Secy.

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PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. L.S. 1860—L.W. 257-51-10, dated Bangalore, 17th July 1952.

The draft of the following rules which it is proposed to make in exercise of the powers conferred by sub-section (1) of Section 96 of the Employees' State Insurance Act, 1948 (Central Act No. XXXIV of 1948), is hereby published for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after 25th August 1952.

Objections or suggestions received by the Secretary to Government, Law Department, before the said date will be considered by the State Government.

Mysore Employees Insurance Court Rules, 1952.

CHAPTER I.

1. (1) *Short title and commencement.*—These Rules may be called the Mysore Employees' Insurance Court Rules, 1952.

(2) They extend to these scheduled areas to which the Act has been or may hereafter be applied under the Constitution.

(3) They shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In these Rules, unless there is anything repugnant in the subject or context,—

(*a*) "Act" means the Employees' State Insurance Act, 1948 (XXXIV of 1948);

(*b*) "Court" means an Employees' Insurance Court constituted under Section 74;

(*c*) "Form" means a form appended to these rules;

(*d*) "Section" means section of the Act;

(*e*) All other words and expressions used herein and not defined shall have the meanings respectively assigned to them by the Act;

(*f*) "State Government" means the Government of Mysore.

CONSTITUTION OF COURTS.

3. *Composition of the Court and place of sitting.*— (1) A Court shall ordinarily consist of one Judge:

Provided that the State Government may, after consultation with the Corporation, by notification in the Official Gazette, appoint two or more Judges to a Court for any particular proceeding or class of proceedings and for such period as may be specified in the notification.

(2) Subject to the provisions of rule 6, a Court shall sit at such place or places and at such time as the State Government may, after consultation with the Corporation, from time to time specify.

4. *Constitution of the Presiding Officer of a Civil or Criminal Court as a Court.*—The State Government may constitute the Presiding Officer of any Civil or Criminal Court in the State as a Court for the purpose of the Act and such Presiding Officer shall thereupon discharge the functions of the Court in addition to his own duties.

5. *Distribution of business where there are more Courts than one.*—Where more than one Court is constituted for the same local area, the State Government may, after consultation with the Corporation by a general or special order, distribute business among them.

6. *Fixing of time of sitting, etc., where there is one Court for two or more local areas.*—(1) Where one Court is constituted for two or more local areas, the Court shall, subject to the approval of the State Government, appoint the time at which the Court shall sit in respect of each local area or in respect of any class of proceedings under the Act.

(2) A notice of the time appointed under sub-rule (1) shall be published in such manner as the State Government may, from time to time, direct.

7. *Procedure where there are more Judges than one.*—(1) Where more than one Judge has been appointed to a Court, the State Government shall specify their rank and precedence.

(2) The Senior Judge for the time being shall, from time to time, make such arrangements, as he thinks fit, for the distribution of business of the Court among the Judges thereof.

(3) When two or more Judges, sitting together, differ on any question, the opinion of the majority of such Judges shall prevail; where there is no majority, the opinion of the senior-most Judge shall, unless the State Government otherwise directs, prevail.

8. *Abolition, etc., of a Court.*—The State Government may, with the consent of the Corporation, by notification in the Official Gazette abolish any Court or by a like notification alter the jurisdiction of any Court.

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CONDITIONS OF SERVICE OF JUDGES, ETC.

9. *Appointment, salaries, allowances, etc.*—(1) The State Government may appoint a person qualified under Section 74 of the Act to be a Judge of a Court.

(2) A Judge shall receive such salary and allowances as the State Government may, after consultation with the Central Government, from time to time, determine.

(3) A Judge shall receive dearness allowance, compensatory (City) allowance, house rent and other allowances at such rates and subject to such conditions as are applicable to officers of the State Government of a corresponding rank stationed at the same place. A Judge shall be entitled to leave and salary under the leave rules which may from time to time be applicable to other State Government servants of similar status and drawing similar emoluments.

(4) A Judge shall be entitled to travelling allowance for journeys performed on official business in accordance with the scale applicable to the class of officers to which in the opinion of the State Government such Judge belongs.

(5) A Judge shall be subject to such other conditions of service, as the State Government, may, after consultation with the Central Government, determine.

(6) Notwithstanding anything contained in sub-rules (2) to (5) the pay, allowances, and other conditions of service of a Judge, if he is a person already in the service of the Government, shall be such as the State Government may with the approval of the Central Government, by a general or special order, from time to time determine.

(7) Where the State Government confers the powers of a Court on the Presiding Officer of a Civil or Criminal Court, the Presiding Officer may be paid such additional allowance as the State Government may after consultation with the Central Government, determine.

10. *Appointment of other officers and subordinate staff.*—(1) The State Government may, with the consent of the Corporation, appoint such ministerial officers and other subordinate staff as may be necessary for the exercise and performance of the powers and duties conferred and imposed on a Court by or under the Act.

(2) The ministerial officers and the subordinate staff of a Court shall exercise such powers and discharge such duties as the Judge or if there are more Judges than one, the senior Judge may, subject to any order of the State Government, from time to time, direct.

(3) The ministerial officers and the subordinate staff of a Court shall be subject to such conditions of service and draw such salaries and other emoluments and receive such benefits as may be fixed by the State Government after consultation with the Central Government.

ADMINISTRATIVE CONTROL AND COURT SEAL.

11. *Administrative Control of the High Court.*—A Court shall be subject to the administrative control and superintendence of the High Court, and shall—

(*a*) keep such registers, books and accounts as the High Court, may from time to time, prescribe; and

(*b*) comply with such requisitions as may be made by the High Court or the State Government for submission of service records, returns and statements, in such forms and in such manner as the authority making the requisition directs.

12. *Seal.*—A Court shall keep a seal of such size, dimensions and design as the State Government may direct.

CHAPTER II.

PROCEDURE AND EXECUTION OF ORDERS.

13. *Application.*—(1) Every proceeding under Section 75 shall be instituted by the presentation of an application to the Court.

(2) Every such application shall be verified in the same manner as a pleading in a Civil Court and shall be accompanied by two copies thereof.

(3) An application under Section 77 shall be presented in Form 1 shall be duly stamped in accordance with these rules, and shall contain the following particulars :—

(i) the name of the Court in which the application is brought;

(ii) the full name including the father's name, description including age, occupation and place of residence of the applicant;

(iii) the full name including the father's name, description including age, occupation and place of residence of the opposite party so far as they can be ascertained;

(iv) where the applicant or the opposite party is a minor or a person of unsound mind, a statement to that effect and the full name, age, occupation and address of his or her next friend or guardian;

(v) the facts constituting the cause of action and the date when it arose;

(vi) the facts showing that the Court has jurisdiction;

(vii) particulars giving the address within the jurisdiction of the Court at which notice or summons may be served on the applicant; and

(viii) the relief which the applicant claims.

(3) The Court may summarily reject an application if it is not in accordance with sub-rule (2).

14. (1) *Production of documents.*—When any application is based upon a document, the document shall be appended to the application.

(2) Any other document which any party desires to tender in evidence shall be produced at or before the first hearing.

(3) Any document which is not produced at or within the time specified in sub-rule (1) or (2), as the case may be, shall not, without the permission of the Court, be admissible in evidence on behalf of the party who should have produced it.

(4) All such documents shall be accompanied by an accurate list thereof prepared in the manner prescribed in Form 2.

(5) Nothing in this rule shall apply to any document which is produced for the purpose of cross-examining a witness or is handed to a witness to refresh his memory.

15. *Register of applications.*—All applications shall be entered in a register in Form 3, called the Register of Proceedings. Such entries shall be serially numbered for every calendar year according to the order in which the applications are presented.

16. *Place of suing.*—In cases not falling under sub-section (1) of Section 76, a proceeding against any person shall be instituted in the Court within the local limits of whose jurisdiction—

(*a*) the opposite party or each of the opposite parties where there are more than one, at the time of commencement of the proceedings, actually and voluntarily resides, or carries on business, or personally works for gain, or

(*b*) any of the opposite parties, where there are more than one at the time of the commencement of the proceeding, actually and voluntarily resides, or carries on business, or personally works for gain provided that in such case either the leave of the Court is given, or the opposite parties who do not reside, or carry on business or personally work for gain, as aforesaid, acquiesce in such institution; or

(*c*) the cause of action, wholly or in part, arose.

17. (1) *Limitation.*—Every application to the Court shall be brought within twelve monts from the date on which the cause of action arose or as the case may be the claim became due :

Provided that the Court may entertain an application after the said period of twelve months if it is satisfied that the applicant had sufficient reasons for not making the application within the said period.

(2) Subject as aforesaid the provisions of the Parts II and III of the Indian Limitation Act, 1908 (IX of 1908), shall so far as may be apply to every such applications.

18. *Application presented to wrong Court.*—(1) Where on receiving an application it appears to the Court that it should be presented to another Court, it shall return it to the applicant after endorsing upon it the dates of the presentation and return, the reason for returning it and the name of the Court to which it should be presented.

(2) Where it appears to the Court at any stage subsequent to the presentation of an application that the application should have been presented to another Court in the same State, the first mentioned Court shall send the application to the Court empowered to deal with it and shall inform the applicant (and the opposite party, if he has received a copy of the application under rule 19), accordingly.

(5) The Court to which an application is transferred under sub-rule (2) may continue the proceedings as if the previous proceeding or any part of it had been taken before it, if it is satisfied that the interests of the parties will not thereby be prejudiced.

19. *Issue of Summons.*—(1) On receiving an application, the Court shall, ordinarily within three days thereof, cause to be sent to the party from whom the applicant claims relief (hereinafter referred to as the 'opposite party'), a summons in Form 4 or Form 5, as the case may be, to appear and answer the application on a day not later than fifteen days from the date of issue of such summons :

Provided that no such summons shall be issued when the opposite party has appeared at the presentation of the application and admitted the applicant's claim.

(2) A copy of the application shall also be sent along with the summons under sub-rule (1).

20. *Service of summons or notice.*—(1) A summons or notice may, on payment of the required fee, be sent by the Court by which it is issued, either by registered post or in such other manner as the Court thinks fit.

(2) Where the Court is satisfied that there is reason to believe that the opposite party is avoiding service or that for any reasons the

summons or the notice cannot be served in the ordinary way, the Court shall order the summons or the notice to be served by affixing a copy thereof in some conspicuous place in the Court-house, and also upon some conspicuous part of the house in which the opposite party is known to have last resided or carried on business or personally worked for gain or in such other manner as the Court thinks fit and such service shall be as effectual as if it had been made on the opposite party personally.

(3) Where a summons or notice is served under sub-rule (2), the Court shall fix such time for the appearance of the opposite party as the circumstances of the case may require.

21. *Additional matters in the summons.*—The Court shall determine at the time of issuing the summons, whether it shall be for the settlement of the issues only and/or for the final disposal of the application, and the summons shall contain a direction accordingly; the Court may also call upon the parties to produce upon that date any evidence which they wish to tender.

22. *Written statement.*—(1) The opposite party may, and, if so required by the Court, shall, at or before the first hearing or within such time as the Court may permit, present a written statement of his defence along with the documents on which he relies and on accurate list thereof in Form 2.

(2) Every such written statement shall be verified in the same manner as a pleading in a Civil Court and shall be accompanied by two copies thereof.

(3) In every written statement submitted under sub-rule (1) the opposite party shall deal specifically with each allegation of fact alleged by the applicant, of which he admits or does not admit or denies the truth. The written statement must also contain all matters which show that the application is not maintainable and all such grounds of defence as, if not raised, would be likely to take the applicant by surprise or would raise issues of fact not arising out of the application as for instance, fraud, undue influence or coercion, release, payment, performance or facts showing illegality of the transaction.

23. *Failure to present written statement called for by the Court.*—Where any party from whom a written statement is required fails to present the same within the time prescribed by the Court, the Court may pronounce judgment against it or make such order in relation to the proceeding as it thinks fit.

24. *Framing of issues.*—(1) At the first hearing of the application, after the summons is served, the Court shall, after considering the application and the written statement, if any, or after such

examination of the parties or any person or any document as may appear necessary, ascertain upon what material proposition of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision appears to depend.

(2) In recording the issues, the Court shall distinguish between these issues which in its opinion concern points of fact and those which concern points of law.

(3) The Court may, in like manner, at any time before passing its final order add to, strike out from or in any way amend the issues on such terms as it may think fit.

25. *Order where parties are not at issue.*—Where at any hearing of the case it appears that the parties are not at issue on any question of law or of fact the Court may at once pronounce its final order.

26. *Appearance of parties and consequences of non-appearance.*—(1) On the day fixed in the summons for the opposite party to appear and answer, the parties shall be in attendances at the Court in person or by their respective legal practitioners or any other person authorised under Secton 79 and the application shall then be heard unless the hearing is adjourned by the Court.

(2) When neither party appears when the application is called on for hearing, the Court may make an order that the application be dismissed.

(3) Where the opposite party appears and the applicant does not appear when the application is called on for hearing, the Court shall make an order that the application be dismissed unless the opposite party admits the claim or part thereof in which case the Court shall make an order against the opposite party upon such admission and where part only of the claim has been admitted, it shall dismiss the case so far as it relates to the remainder.

(4) Where the applicant appears and the opposite party after receiving the summons fails to appear when the application is called on for hearing, the Court may proceed *ex-parte.*

(5) Where the application is wholly or partly dismissed under sub-rule (2) or (3), the applicant may within thirty days of such dismissal apply in Form 6 for an order to set the dismissal aside and the Court shall, if it is satisfied that he was prevented from appearing when the proceeding was called on for hearing due to any sufficient cause make an order setting aside the dismissal upon such terms as to costs or otherwise as it thinks fit and may proceed with the case or appoint a day for proceeding with the same:

Provided that no order under this sub-rule shall be made in respect of an application which is dismissed under sub-rule 3 unless

notice of the application has been served in Form 7 on the opposite party.

(6) In any application in which an *ex-parte* order has been passed against the opposite party, he may within thirty days from the date of such order apply in Form 6 to the Court which passed the order, to set it aside and if the Court is satisfied that he was prevented from appearing when the proceeding was called on for hearing due to any sufficient cause, it shall after serving notice thereof to the applicant in Form 7 make an order setting aside the order upon such terms as to costs or otherwise as it thinks fit and may proceed with the hearing of the case or appoint a day for proceeding with the same.

27. *Summoning of witnesses.*—(1) At any time after the framing of the issues, the Court may call upon the parties to produce their evidence in support of the issues.

(2) The Court may, on the application of either party, issue a summons in Form 8 to any witness directing him to attend or to produce any document.

(3) The Court may, before summoning any witness on application under sub-rule (2), require that his reasonable expenses to be incurred in attending the Court, be deposited with it.

28. *Grant of time and adjournment of hearing.*—(1) The Court may, if sufficient cause in shown, at any stage of the application, grant time to the parties or to any of them, and may, from time to time, adjourn the hearing of the application.

(2) In every such adjournment the Court shall fix a day not exceeding fifteen days from the date on which such adjournment is made for the further hearing of the application and may make such order as it thinks fit with respect to the cost occasioned by the adjournment:

Provided that when the hearing of the evidence has once begun, the hearing of the application shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the hearing beyond the following day to be necessary for reasons to be recorded.

29. *Right to begin proceeding.*—The applicant has the right to begin unless the opposite party admits the facts alleged by the applicant and contends that either in point of law or on some additional facts alleged by the opposite party, the applicant is not entitled to the relief which he seeks, in which case the opposite party has the right to begin.

30. *Statement and production of evidence.*—(1) On the day fixed for the hearing of the application or on any other day to which

the hearing is adjourned, the party having the right to begin shall state his case and produce his evidence in support of the issues which he is bound to prove.

(2) The other party shall then state his case and produce his evidence (if any) and may then address the Court generally on the whole case.

(3) The party beginning may then reply generally on the whole case.

31. *Method of recording evidence.*—The evidence of each witness shall be taken down in writing by the Judge or where there is more than one Judge, by the junior Judge in the language of the Court, not ordinarily in the form of question and answer, but in that of a narrative, and when completed, shall be read over or translated, where necessary, in the presence of such Judge to the witness, and such Judges shall, if necessary, correct the same and sign it.

32. *Re-call of a witness.*—The Court may at any stage of a proceeding re-call any witness who has been examined and may (subject to the law of evidence for the time being in force) put such questions to him as the Court thinks fit.

33. *Inspection by Court.*—The Court may at any stage of a proceeding inspect any property or thing concerning which any question may arise.

34. *Pronouncement of order.*—The Court, after the application has been heard, shall pronounce its final order in open Court, either at once or on some future day, of which due notice shall be given to the parties.

35. *Signing of order.*—The final order shall be dated and signed in open Court at the time of pronouncing it and, when once signed, shall not afterwards be altered or added to, save in the case of clerical or arithmetical mistake arising from any accidental slip or omission.

36. *Statement of decision on each issue.*—In cases in which issues have been framed, the Court shall state its finding or decision, with the reason therefor, upon each separate issue, unless the finding upon any one or more of the issues is sufficient for the decision of the case.

37. *Compromise of suit.*—Where it is proved to the satisfaction of the Court that a case has been adjusted wholly or in part by any lawful agreement or compromise, or where the opposite party satisfies the applicant in respect of the whole or any part of the subject matter of the case, the Court shall order such agreement, compromise or satisfaction to be recorded, and shall pass a final order in accordance therewith so far as it relates to the case.

38. *Finality of order.*—Save as provided in Section 82, the order of a Court shall be final and binding upon the parties.

COSTS, DECREE, ETC.

39. *Costs.*—(1) The costs of and incidental to the application shall be in the discretion of the Court, and the Court shall have full power to determine by whom or out of what property and to what extent such costs are to be paid, and to give all necessary directions for the purposes aforesaid. The fact that the Court has no jurisdiction to try the case shall be no bar to the exercise of such powers.

(2) Where the Court directs that any cost shall not follow the event the Court shall state its reasons in writing.

40. *Contents of the decree.*—(1) A decree in Form 9 shall be prepared in conformity with the order made by the Court; it shall contain the number of the application, the names and descriptions of the parties, and particulars of the claim, and shall specify clearly the relief granted or other determination of the proceeding.

(2) The decree shall also state the amount of costs incurred in the proceeding and by whom and in what proportions such costs are to be paid.

(3) The Court may direct that the costs payable to one party by the other shall be set off against any sum which is admitted or found to be due from the former to the latter.

41. *Certified copies of order, decree, etc., to be furnished.*—(1) Certified copies of the final order, decree or any other order or matter on record shall be furnished to the parties on application to the Court and at their expense.

(2) If any party requires copies of any order, decree or any other matter or record made by or furnished to the Court, as the case may be, to be supplied to him within forty-eight hours of the submission of an application therefor to the Court, he shall pay an additional fee of two rupees for each such copy.

(3) If any party applies for copies of any order, decree or any other matter on record made by or furnished to the Court, as the case may be, after the expiry of twelve months from the date of such making or furnishing, as the case may be, he shall pay an additional searching fee of two rupees.

EXECUTION.

42. *Execution.*—(1) Any person in whose favour an order has been passed shall, within one year from the date of the order, apply in Form 10 to the Court which made the order for its execution.

(2) On such application being made, the Court shall send the same together with the necessary record to a Civil Court, of competent jurisdiction, for its execution and such Civil Court shall have the same power in executing such order as if it had been passed by it.

43. *Communication of fact of execution or otherwise.*—The Civil Court to which a decree is sent for execution shall certify to the Court which passed it the fact of such execution or where that Court fails to execute the same and the circumstances attending such failure.

CHAPTER III.

FEES AND COSTS.

44. *Fees.*—(1) The fee payable on an application in respect of any matter referred to in Section 75 shall be two rupees.

(2) Subject to the provisions hereafter mentioned in this rule, the fee payable in respect of any other application except a written statement called for by the Court under these rules shall be annas eight:

Provided that the fee for an application for obtaining a copy or translation of any document or record or statement, order or decree presented to or made before or by the Court, as the case may be, shall be annas two only.

(3) The fee for copies of any document on record, or statement or order of decree shall be such as may from time to time be determined by the State Government after consultation with the Central Government.

(4) The fee for any authorisation for the appearance of any person under Section 79 on behalf of any of the parties in a case shall be one rupee.

(5) The fee for filing certified copies of any document in a Court shall be eight annas.

(6) All fees referred to in this rule and rule 41 shall be collected by means of Court-fee Stamps used in ordinary Courts and no document which ought to bear stamp under these rules shall be of any validity unless and until it is properly stamped:

Provided that where any such document is through mistake or inadvertance received, filed or used in a Court without being properly stamped, the Court may, if it thinks fit, order that such document be stamped as it may direct and on such document being stamped accordingly the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

(7) No document requiring a stamp under this rule shall be acted upon in any proceeding in a Court until the stamp has been cancelled.

45. *Payment of cost of services of summons, etc.*—(1) The cost of service of summons or notices or the expenses of the witnesses in any case or the fee payable in respect of any matter not referred to in the proceeding rule shall be such amount as may be specified in each case by the Court; and such amount or any other sum of money payable under these rules shall be paid in such manner and within such time as it may specify therefor.

(2) Any amount which is left over after meeting the expenses, if any, for which it was intended, shall be returned by the Court to he party by whom or on whose behalf the amount was originally paid into the Court.

(3) The Court shall maintain proper accounts of the amount received and disbursed under sub-rule (1).

46. *Fees and costs of poor persons.*—The Court may, whenever it thinks fit, receive and register proceedings instituted under the Act and applications made under these rules, by persons who are paupers, and may issue summons or notices on behalf of such persons, without payment or on a part payment of the fees and costs mentioned in rules 44 and 45.

CHAPTER IV.

MISCELLANEOUS.

47. *Provisions in the Code of Civil Procedure, 1908 (V of 1908), etc., to apply.*—In respect of matters relating to procedure or admission of evidence for which no specific provision is made in these rules, the provisions of the Code of Civil Procedure, 1908 (V of 1908), including the Rules made thereunder and the Indian Evidence Act, 1872 (1 of 1872), shall, so far as may be, apply to proceedings under the Act.

FORMS.

FORM 1.

(*Rule 13*).

In the Employees' Insurance Court at .....
A. B. (add description and residence).....
.....Applicant

Against

C. D. (add description and residence).....
.....Opposite Party.

Other particulars of the application specified in Rule 123 .....
.....

Date .....

Signature of the applicant.
.....

(Verification by the applicant) :

The statement of facts contained in this application is to the best of my knowledge and belief true and correct.

Signature.
.....

Date.....
.....

FORM 2.

(*Rules 14* and *22*).

List of documents produced by $\frac{\text{applicant}}{\text{opposite party}}$

(Title) *e.g.*, Description, subject, name of the Court, No. etc.

No.	Description of document	Date, if any, which the documents bear	Signature of party or Pleader or any authorised representative
(1)	(2)	(3)	(4)

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FORM. 3.

Register of Proceedings (*Rule 15*).

Employees' Insurance Court at.....

Register of proceedings in the year 194 .

		Applicant			Opposite party						Appearance			Final Order			Appeal		Execution					
Date of presentation of application	No. of proceeding	Name	Description	Place of residence	Name	Description	Place of residence	Particulars	Amount or value, if any	When the cause of action accrued	Day for parties to appear	Applicant	Opposite party	Date	For whom	For what, or amount	Date of decision of appeal, if any	Judgment in appeal	Date of application	Against whom	For what, and amount of money	Amount of costs	Date of order transferring to another Civil Court cf..... at.....	Other remarks, if any.

FORM. 4.

(*Rule 19*)

SUMMONS FOR DISPOSAL OF PROCEEDINGS.

(Title).

To

(Name, Description and Place of residence).

Whereas.....has instituted proceedings against you for..... .....you are hereby summoned to appear in this Court in person or by authorised agent duly instructed and able to anwer all material questions relating to the case, or who shall be accompanied by some person able to answer all such questions at.....O' clock in the..... ...noon on the..... day of.....19.....to answer the claim and as the day fixed for your appearance is appointed for the final disposal of the proceedings, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence.

Take notice, that, in default of your appearance on the day before mentioned the case will be heard and determined in your absence.

Given under my hand and the seal of the Court, this..... day of.....19.....

NOTICE.

1. Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness, and the production of any document that you have a right to call the witness to produce, on applying to the Court and on depositing the necessary expenses.

2. If you admit the claim, you should pay the money into Court together with the costs of the proceedings, to avoid execution of the decree, which may be against your person or property or both.

FORM 5.

(*Rule 19*).

SUMMONS FOR SETTLEMENT OF ISSUES.

To

(Name, Description and place of residence).

Whereas..... has instituted proceedings against you for..... you are hereby summoned to appear in the Court in person, or by an authorised agent duly instructed, and able to answer all material questions relating to the proceedings, or who shall be accompanied by some person able to answer such questions, at..... .....O' clock in the.....noon, on the.....day of .....19.....to answer the claim and you are directed to produce on that day all the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the case will be heard and determined in your absence.

Given under my hand and the seal of the Court this.....day of .....19... .....

Court.

NOTICE.

1. Should you apprehend your witnesses will not attend of their own accord, you can have a summon from this Court to compel the attendance of any witness and the production of any document that you have a right to call on the witness to produce, on applying to the Court and on depositing the necessary expenses.

2. If you admit the claim, you should pay the money into Court together with the costs of the suit, to avoid execution of the decree, which may be against your person or property, or both.

FORM 6.

(*Rule 26*).

Title.

Subject :—Application for setting aside the ——— order.
ex-parte

The.....above-named states as follows :—
(The grounds of application should be stated).

Date.....

Verification by the applicant. Signature of the applicant.

The statement of facts contained in the application is to the best of my knowledge and belief true and correct.

Date Signature.

Place

FORM. 7.

(*Rule 26*).

GENERAL FORM.

(Title).

To

Whereas the above named..... ..... has made application to this Court that..... You are hereby warned to appear in this Court in person or by Pleader duly instructed at..... .....O' clock in the..... .....noon, on the..... ..day of .....19.....to show cause against the application failing wherein, the said application will be heard and determined *ex-parte*.

Given under my hand and the seal of the Court, this..... day of.....19.....

G. FORM 8.

(*Rule 27*).

SUMMONS TO WITNESS.

(Title)

To

Whereas your attendance is required to ..... on behalf of the.....in the above proceedings, you are hereby required (personally) to appear before this Court on the ..... day of.....19 .....at..... ..... (O'clock in the .....NOON, and to bring with you (or to send to this ..... Court).....

A sum of Rs.....being your travelling and other expenses and subsistence allowance for one day, is deposited with this Court and will be tendered to you on the day you appear before the Court. If you fail to comply with this order without lawful excuse, you will be subject to the consequence of non-attendance laid down in rule 12 of Order XVI of the Code of Civil Procedure, 1908 (V of 1908).

Given under my hand and the seal of the Court, this.....day of .....19 .....

Court.

Notice.—1. If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this Court on the day and hour aforesaid.

2. If you are detained beyond the day aforesaid, a sum of Rs..... will be tendered to you for each day's attendance beyond the day specified.

FORM 9.

(*Rule 40*).

DECREE IN CASE.

(Title).

Claim for.

This case coming on this day for final disposal before ..... in the presence of.....for the applicant and of .....for the opposite party, it is ordered and decreed that.....and that the sum of Rs..... be paid by the.....to the..... on account of the costs of this suit, with interest thereon at the rate of..... per cent per annum from this date to the date of realisation.

Given under my hand and the seal of the Court, this..... day of.....19 .....

Court.

COSTS OF SUIT.

	Rs.	a.	p.		Rs.	a.	p.
1. Stamp for application ...				Stamp for power ...			
2. Stamp for power ...				Stamp for written statement.			
3. Stamp for exhibits ...				Pleader's fee ...			
4. Pleader's fee ...				Subsistence for witnesses.			
5. Subsistence for witnesses.				Service of summons and notices.			
6. Commissioner's fee ...				Commissioner's fee ...			
7. Service of summons and notices.							
Total ...				Total ...			

FORM 10—(*Rule 42*). APPLICATION FOR THE EXECUTION OF A DECREE.

In the Court of ..... decree-holder, hereby apply for execution of the decree herein below set forth :—

Number of proceeding	Name/s or party/ies	Date of decree	Whether only appeal preferred from decree	Payment or adjustment made, if any	Previous application, if any, with date and result	Amount with interest due upon the decree or other relief together with particulars of any cross decree	Amount of costs, if any, awarded	Against whom to be executed	Mode in which the assistance of the Court is required
111 of 1949	A.B.—Applicant. C.D.—Opposite party.	November 11th, 1949.	No.	None.	Rs. 72-4-0 recorded on application, dated the 9th April, 1949.	Rs. 314-8-2 principal. [Interest at 6 per cent per annum, from date of order till payment.]	Rs. a. p. As awarded in the decree ..... Subsequently incurred ..... Total	Against the opposite party C.D.	(When attachment and sale of moveable property is sought) I pray that the total amount of Rs. ..... (together with interest on the principal sum up to date of payment) and the costs of taking out this execution, be realised by attachment and sale of the opposite party's moveable property as per annexed list and paid *to me*. (When attachment and sale of immoveable property is sought). I pray that the total amount of Rs.....(together with interest on the principal sum up to date of payment) and the costs of taking out this execution be realised by the attachment and sale of the opposite party's immoveable property specified at the foot of this application and paid *to me*.

I.....declare that what is stated herein is true to the best of my knowledge and belief.

Signed .....

Decree-holder.

Dated the ..... day of ..... 19 .....

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

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PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. S. D. 3352—R. 50-52-2, dated Bangalore, 11th August 1952.

In exercise of the powers conferred by sub-section (1) of Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946), read with the Government of India's (Ministry of Food) Notification No. S.R.O. 703, dated the 4th October 1950 and with the concurrence of the Government of India, His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the Mysore Rationing Order (Food) Order No. 2, issued under Notification No. S. D. 2182—C. 94-43, dated the 1st October 1943, as amended from time to time, namely :—

(i) In clause 1 for sub-clause (2), the following sub-clause shall be substituted, namely :—

"(2) It extends to the areas comprised within—

(*a*) the City of Bangalore as defined in the City of Bangalore Municipal Corporation Act, 1949 ;

(*b*) the Municipal limits of the City of Davangere ; and

(*c*) the jurisdiction of the Kolar Gold Fields Sanitary Board constituted under the Mysore Mines Act, 1906."

(ii) sub-clause (3) shall be omitted.

By Order of His Highness the Maharaja,

———

No. C. 525—Co. 30-52-2, Bangalore, dated 13th August 1952.

In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946), read with the Government of India, Ministry of Commerce and Industry Notification No. SC (A)-4 (20), dated 8th December 1951, His Highness the Maharaja of Mysore is pleased to make the following order:—

1. (1) This Order may be called the Mysore Iron and Steel (Control of Use in Buildings) Order, 1952.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force forthwith.

2. The provisions of this Order shall be in addition to and not in derogation of any other law for the time being in force in the State of Mysore.

3. In this Order, unless there is anything repugnant in the subject or context—

(1) "Approved Dealer" means a Registered Producer, Controlled Source as defined in the Iron and Steel (Control of Production and Distribution) Order, 1941 and Iron and Steel (Scrap Control) Order, 1943 and includes any other person registered by the Controller as approved dealer;

(2) "Building" means a house and any other structure involving the use of controlled iron or steel materials;

(3) "Construction of building" includes reconstruction or re-conversion resulting in alteration to, enlargement of, or addition to a building with an increase in the existing plinth area or roof area or in the total height of the building;

(4) "Controlled iron or steel materials" means iron and steel of the categories specified in the Second Schedule to the Iron and Steel (Control of Production and Distribution) Order, 1941, and Scrap as defined in clause 2 (f) of the Iron and Steel (Scrap Control) Order, 1943.

(5) "Controller" means the State Controller, Iron and Steel, Mysore, and includes any officer authorised by the State Government to exercise all or any of the powers of the Controller under this Order;

(6) "Luxurious buildings" means a Cinema, Dance Hall, Theatre, Studio or any other place of amusement and includes a residential building, the plinth area of which exceeds three thousand square feet or the floor area of which exceeds six thousand square feet and a non-residential building, the plinth area of which exceeds five thousand square feet or the floor area of which exceeds ten thousand square feet.

4. No person shall purchase or use any controlled iron or steel material for the construction of any luxurious building except under and in accordance with the terms and conditions of a written permit issued by the Controller.

5. No one shall purchase or use any controlled iron or steel material for construction of a building, other than a luxurious building, unless the material has been obtained against permits issued by the Controller or purchased from an approved dealer.

Explanation.—The provisions of this clause will not apply to the use of nails, screws, bolts, nuts and rivets for doors, windows and other fittings and the use of controlled iron or steel for doors, windows and fastenings.

6. Nothing contained in clauses 4 and 5 shall apply to the construction of a building:—

(*a*) for the purpose of any educational, medical, religious or charitable institution or other public utility building to promote public health or economic property of the country; or

(*b*) which is undertaken or carried out on behalf of the State Government, the Central Government, a Local Board or Municipal Council including the Corporation of the City of Bangalore; or

(*c*) the cost of which in whole or in part, the State Government, the Central Government, a Local Board or Municipal Council including the Corporation of the City of Bangalore has agreed to pay; or

(*d*) for which allotment of iron or steel is made by the Central Government; or

(*e*) for which sanction of the Central Government has been previously obtained.

7. The Controller may, with a view to securing compliance with this Order—

(a) require any person to give such information in his possession with respect to any business carried on by that or any other person;

(b) inspect or cause to be inspected any books or other documents belonging to or under the control of any person;

(c) enter and search or authorise any person to enter and search any premises and seize or authorise any person to seize any article in respect of which he has reason to believe that a contravention of this Order has been, is being or is about to be committed or which is intended to be used in connection with such contraventions.

8. Any Court trying a contravention of this Order may, without prejudice to any other sentence which it may pass direct that any controlled iron or steel material in respect of which the Court is satisfied that this Order has been contravened, shall be forfeited to the State Government.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Chief Secretary to Government.

No. L. 6617—Ml. 152-52-2, dated Bangalore, 9th August 1952.

In exercise of the powers conferred by Section 48 (1) (n) of the Mysore Town Municipalities Act, 1951 (Mysore Act No. XXII of 1951), His Highness the Maharaja of Mysore is pleased to make the following model bye-laws for regulating sanitation and conservancy by the Town Municipal Councils in the State, namely:—

Model Bye-laws regulating Sanitation and Conservancy under Section 48 (1) (n) of the Mysore Town Municipalities Act, 1951.

1. No person shall deposit tiles, garden sweepings, branches of trees, thatch or night soil in Municipal bins. Any person who contravenes this bye-law shall on conviction be punishable with fine which may extend to five rupees.

2. No person shall dry any 'bratties' or cow dung cakes on the external walls of houses or yards of compound walls and any person who contravenes this bye-law shall on conviction be punishable with fine which may extend to twenty rupees.

3. No person shall ease himself either in the vicinity or outside or in any part of any public latrine other than in the trench made for the purpose. Any person who contravenes this bye-law shall be punished with fine which may extend to two rupees.

By Order of His Highness the Maharaja,

A. S. KHALEEL,

Secretary to Government,
Local Self-Government Department.

No. L.S. 2316-400—L.W. 170-51-2, dated Bangalore, 9th August 1952.

In exercise of the powers conferred by Section 5 of the Mysore Labour Housing Act, 1949, and Rule 8 of the Rules framed thereunder, His Highness the Maharaja of Mysore is pleased to constitute the Mysore Labour Housing Corporation, consisting of the following members :—

Chairman.

The Chief Minister to Government of Mysore.

Members.

1 The Chairman, City Improvement Trust Board, Bangalore.
2 The Commissioner of Labour in Mysore, (*Secretary*).
3 Sri K. T. Jambanna, Davangere.
4 Srimati Lakshmi P. Krishnappa, Bangalore.
5 Sri Kempahanumiah, 50 Cottonpet, Bangalore City.
6 Sri K. S. Kumaran, Bangalore.
7 Sri A. Ramanna, Mysore.
8 Sri Swami Dorai, M. L. A., Kolar Gold Fields.
9 The President, Mysore Iron and Steel Works Labour Association, Bhadravati.
10 The General Manager, Hindustan Air Craft Limited, Bangalore.
11 The General Manager, Indian Telephone Industries, Bangalore.
*12 A Representative of the Kolar Gold Fields Mining Board.
13 Sri Bagamane Deve Gowda, Coffee Planter, Chikmagalur.

14 Mr. Nisbett, Managing Director, Bangalore Woollen, Cotton and Silk Mills Limited, Bangalore.

*The name of the representative of the Kolar Gold Fields Mining Board, will be notified separately.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Secretary to Government,
Law Department.

No. M. 9057—P.H. 23-52-3, dated Bangalore, 30th—31st July—4th August 1952.

In exercise of the powers conferred by Section 3 of the Mysore Vaccination Act, 1906 (Mysore Act No. I of 1906), His Highness the Maharaja of Mysore, is pleased to declare that vaccination shall be compulsory in all areas within the jurisdiction of the District Board of Mysore District.

By Order of His Highness the Maharaja,

No. H.A. 3939—Pol. 395-51-6, dated Bangalore, 7th August 1952.

(HOME DEPARTMENT.)

In exercise of the powers conferred by Section 8 of the Mysore Cinematograph Act, 1923 (Act XII of 1923), His Highness the Maharaja is pleased to direct that the following further amendment shall be made in the Mysore Cinematograph Rules, 1946, namely :—

The following words shall be added at the end of sub-rule (2) of Rule 8 of the said Rules :

" and for every inspection under clause (d) a fee of five rupees shall be paid in advance by the applicant for the licence."

By Order of His Highness the Maharaja,

G. N. NAGARAJA RAO,

Secretary to Government,
Home Department.

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Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES

NOTIFICATION.

No. L.D. 804—Legis. 5-52-48, dated Bangalore, 23rd July 1952.

Ordered that Notification No. S.R.O. 1113, dated the 11th June 1952 of the Ministry of Works, Housing and Supply amending the Indian Boiler Regulations, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 21st June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS, HOUSING AND SUPPLY.

(Central Boilers Board).

New Delhi, the 11th June 1952.

S.R.O. 1113.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board directs that the following further amendments shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

For regulations 275, 276, 277 and 278 of the said Regulations, and for the table and figures referred to therein, the following shall be substituted, namely :—

"275. *Shape of Dished End Plate.*—When an end plate is dished to semi-ellipsoidal, partial spherical or hemispherical form, it shall comply with the following: (See Fig. 23).

(a) For ends of partial spherical form the inside radius of dishing R shall not be greater than the outside diameter D of the end plate and the inside corner radius r shall not be less than four times the thickness of the end plate or 2½ inches or 12·5 per cent of the inside diameter of shell, whichever is the greatest.

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(b) For ends of semi-ellipsoidal form the ratio of the major axis to the minor axis shall not be greater than 2.

276. *General.*—The thickness T specified in equation 75 of Regulation 278 is the thickness of the end plate after manufacture and is applicable over the whole area of the end plate up to the point where, for ends of partially spherical shape, the dishing radius joins the corner radius; from this point a gradual thining is permissible up to a maximum of 10 per cent of the thickness T at the point where the corner radius joins the straight portion of flanged end plate. A similar gradual thining is permissible for end plates of semi-ellipsoidal shape. This permissible reduction in thickness applies also to flange for the manhole opening. In no case, however, when the end plate is butt welded to the drum shell, shall the thickness of the edge of the flange for connection to the shell be less than the thickness of an unpierced seamless shell of the same diameter and material, determined by equation 72.

277. *End Plate with Manhole.*—When an end plate has a flanged-in-manhole the depth of the flange forming the access opening measured from the outer surface of the plate at the minor axis of the opening shall be not less than $\sqrt{TXW}$

Where T = Thickness of the end plate in inches;
W = Minor axis of the manhole in inches.

NOTE.—The corner radius of the manhole flange rm shall be not less than 1″ (See Fig. 23).

278. (*a*) *End Plate Subject To Pressure On the Concave Side.*—The Maximum working pressure of unstayed Dished End Plates subject to pressure on the concave side shall be determined by the following formula:

$$WP = \frac{2f(T-0{\cdot}1)}{DFK} \qquad \text{(Eqn. 74)}$$

Where WP = Working Pressure in lb./sq. in.

f = Permissible stress in lbs./sq. in. at working metal temperature of the drum end plate. (See table below).

T = Thickness of the end plate in inches.

D = Outside diameter of the end plate in inches.

F = 1 for end plates without holes, or having only reinforced holes, or having unreinforced widely spaced holes not exceeding four times the plate thickness or 2½ inches, whichever is the less.

= 1·15 for end plates having a central flanged manhole or hand hole (complying with Eqn. 73).

= a constant whose value is more than 1·15 for end plates having unreinforced holes of dimensions greater than 2½″ or four times the thickness of plate.

= End plates should not have large unreinforced holes, eccentric flanged manholes or hand holes, wherever practicable and in those cases the Chief Inspector of Boilers may in his discretion use such values of F as would meet the circumstances, dependent upon the size, shape and position of these openings in the end plate.

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K = A factor dependent upon the ratio $\frac{h}{D}$ where h is the external height, and generally obtained from the curve shown in Fig. 22.

In no case shall K be taken as less than $1{\cdot}15 - \frac{R}{D}$ or $0{\cdot}12 \frac{D}{r}$

(See Fig. 23).

NOTE 1.—The external height of dishing h may, for ends of partial spherical form, be determined as follows: (See Fig. 23):—

$$h = R_2 - \sqrt{\left(R_2 - \frac{D}{2}\right) \times \left(R_2 + \frac{D}{2} - 2r_2\right)} \qquad \text{(Eqn. 75)}$$

NOTE 2.—Where the above rules are applied to small drum ends with manhole openings, the dimensions "r" and "rm" (See Fig. 23) apply only to the section of the end containing the minor axis of the opening, *i.e.* "r" and "rm" need not apply throught the whole periphery of such ends.

Maximum Permissible Stresses at Working Metal Temperatures for Ends Plates Dished From Plate.

Working metal temperature	Tensile Strength of plate in lbs. per sq. inch.				
	24-28 tons per sq. in.	26-30 tons per sq. in.	28-32 tons per sq. in.	32-36 tons per sq. in.	34-38 tons per sq. in.
Up to—					
650°F ...	13400	14500	15700	18000	19000
700°F ...	13200	14300	15200	17200	18200
750°F ...	12000	12700	13400	14800	15500
800°F ...	10500	10900	11300	12100	12500
850°F ...	8500	8700	8900	9300	9500
900°F ...	6300	6300	6300	6300	6300

Intermediate values may be interpolated.

NOTE 1.—The use of carbon steel plate having a tensile range in excess of 28/32 ton/sq. in. is not permissible for drum ends dished from plate.

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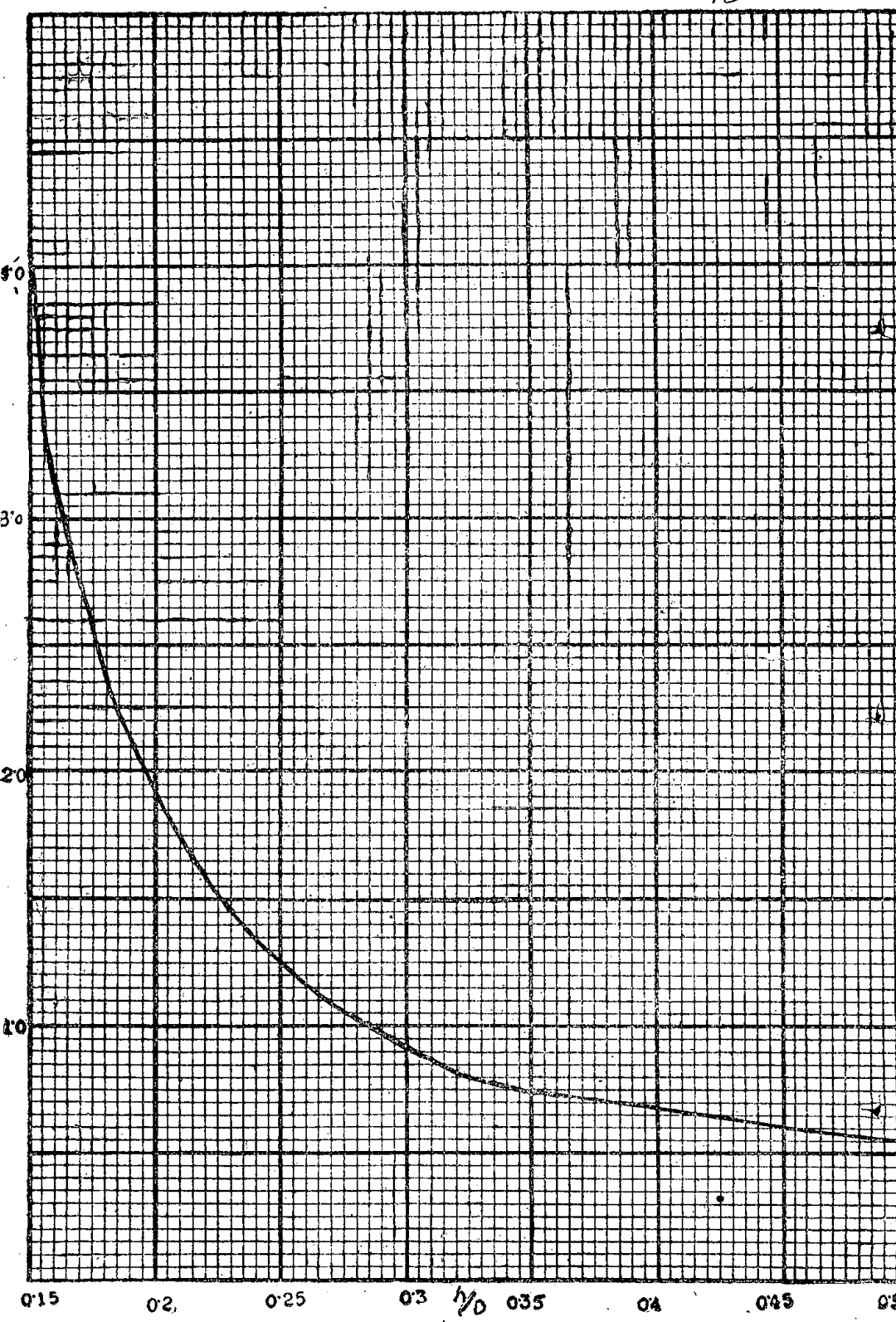

FIG 22.

K = A FACTOR FOR USE IN EQUATION 74 REGULATION 278.

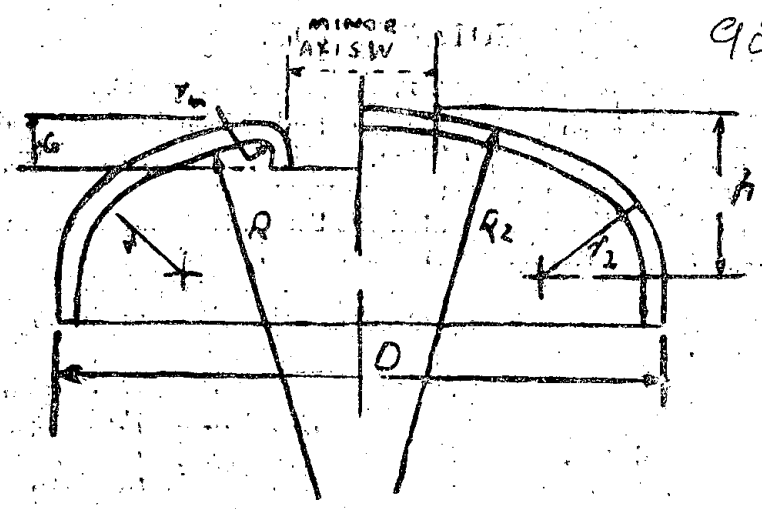

Fig 23"

[No. M/BL-304(60).]

S. K. GUHA, for *Secy.*

NOTIFICATION. 922

No. L.D. 826—Legis. 5-52-52, dated Bangalore, 28th July 1952.

Ordered that the Registration and Licensing of Industrial Undertakings Rules, 1952, (S.R.O. 1141, dated the 9th July 1952 of the Ministry of Commerce and Industry) published in the *Gazette of India*, Part II, Section 3, dated the 9th July 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 9th July 1952.

S.R.O. 1141.—In exercise of the powers conferred by Section 30 read with sections 10 and 11, sub-section (2) of section 12 and Sections 13 and 14 of the Industries (Development and Regulation) Act, 1951 (LXV of 1951), the Central Government hereby makes the following Rules, the same having been previously published as required under sub-section (1) of section 30 of the Act, namely :—

THE REGISTRATION AND LICENSING OF INDUSTRIAL UNDERTAKINGS RULES, 1952.

1. *Short title.*—These rules may be called the Registration and Licensing of Industrial Undertakings Rules, 1952.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context :—

(i) "the Act" means the Industries (Development and Regulation) Act, 1951 (LXV of 1951).

(ii) "effective steps" shall mean one or more of the following—

(a) that 60 per cent or more of the capital required for the industrial undertaking has been raised or subscribed ;

(b) that a substantial part of the factory building has been constructed ;

(c) that a firm order has been placed for a substantial part of the plant and machinery required for the undertaking.

3. *Application for Registration.*—(1) An application for the registration of an industrial undertaking existing on the date of commencement of the Act, or of an

industrial undertaking for the establishment of which effective steps have been taken on or before such date, shall be made, in triplicate, to the Ministry of Commerce and Industry, Government of India, New Delhi, or to any authority appointed by it in this behalf, in Form A or B, as the case may be, appended to these rules, within 45 days from the date these rules come into force:

Provided that an application made after the expiry of the period of 45 days referred to above shall be entertained by the Ministry of Commerce and Industry or the authority appointed by it in this behalf if the applicant satisfies that Ministry or that authority that there were sufficient grounds for not making the application earlier.

(2) Each application shall be accompanied by a treasury receipt for Rs. 10. The amount should be deposited in the nearest Government Treasury or in the nearest Branch of the Imperial Bank of India. (Amounts deposited at Bombay, Calcutta, Delhi, Kanpur and Madras should be deposited in the Reserve Bank of India instead of the Imperial Bank of India). The Treasury or the Bank should be asked to credit the amount to the Receipt Head "XXXII—Industries and Supplies—Miscellaneous Receipts."

4. *Acknowledgment of application.*—On receipt of the application, the receiving officer shall note thereon the date of its receipt, and shall send to the applicant an acknowledgment stating the date of receipt.

5. *Power of Central Government to ask for additional information.*—The Ministry of Commerce and Industry or the authority appointed by it under rule 3, may require the applicant to furnish within a period to be specified by it, such additional information as it may consider necessary for the purpose of registration.

6. *Grant of Registration Certificate.*—If an application made under sub-rule (1) of rule 3 falls within the scope of that rule, the Ministry of Commerce and Industry or the authority appointed by it under rule 3, shall, after such investigation as it may consider necessary, grant to the applicant, before the 8th November 1952, a certificate of registration in Form C appended to these rules. If an application made under sub-rule (1) of rule 3 does not fall within the scope of that rule, the Ministry of Commerce and Industry or the authority appointed by it under rule 3, shall inform the applicant accordingly.

7. *Application for Licence.*—(1) An application for a licence or permission for the establishment of a new industrial undertaking or any substantial expansion of an industrial undertaking shall be made before taking any of the following steps:

(a) Raising from the public any part of the capital required for the undertaking or expansion.

(b) Commencing the construction of any part of the factory buildings for the undertaking or expansion.

(c) Placing an order for any part of the plant and machinery required for the undertaking or expansion.

(2) An application under sub-rule (1) shall be made, in triplicate, to the Ministry of Commerce and Industry, Government of India, New Delhi, or to any authority appointed by it in this behalf, in Form D or E appended to these rules.

(3) Each application shall be accompanied by a treasury receipt for Rs. 50. The amount should be deposited in the nearest Government Treasury or in the nearest Branch of the Imperial Bank of India. (Amounts deposited at Bombay, Calcutta, Delhi, Kanpur and Madras should be deposited in the Reserve Bank of India instead of the Imperial Bank of India). The Treasury or the Bank should be asked to credit the amount to the Receipt Head "XXXII—Industries and Supplies—Miscellaneous Receipts."

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8. *Acknowledgment of application.*—On receipt of the application, the receiving officer shall note thereon the date of its receipt, and shall send to the applicant an acknowledgment stating the date of receipt.

9. *Power to call for additional information.*—The Ministry of Commerce and Industry or the authority appointed by it under sub-rule (1) of rule 7 may require the applicant to furnish, within a period to be specified by it, such additional information as it may consider necessary.

10. *Application to be referred to the Licensing Committee.*—The Ministry of Commerce and Industry or the authority appointed by it under sub-rule (1) of rule 7 shall refer the application to a Committee (hereinafter referred to as the Licensing Committee) consisting of a representative of each of the Ministries of Commerce and Industry, Railways, Finance (Department of Economic Affairs) and Production, and of the Planning Commission. The representative of the Ministry of Commerce and Industry shall be the Chairman of the Committee. The Committee may co-opt one or more representatives of other Ministries of the Government of India or of any State Government concerned, whenever necessary.

11. *Submission of Report by the Licensing Committee.*—After such investigation as may be necessary, the Licensing Committee shall submit a report to the Ministry of Commerce and Industry.

12. *Contents of the Report.*—In making the report under rule 11, the Licensing Committee shall have regard to the approved plans, if any, of the Central Government for the development of the scheduled industry concerned and, where no such plans exist, to the existing capacity of the scheduled industry, the demand and supply position, availability of raw materials and plant and machinery. The report should, among other matters, contain recommendations regarding capital and its structure, suitability of the location proposed from the point of view of the approved plans for the industry, capacity of the plant to be installed, availability of rail-transport capacity, availability of technical and other skilled personnel required, and collaboration, if any, with foreign manufacturers.

13. *Recommendation regarding public enquiry.*—If the Licensing Committee is of the opinion that a public enquiry is necessary in respect of any application, it may recommend such a step to the Ministry of Commerce and Industry or to the authority appointed by it under sub-rule (1) of rule 7.

14. *Invitation of applications.*—(1) The Ministry of Commerce and Industry or the authority appointed by it under sub-rule (1) of rule 7, may, where it considers necessary, invite, by means of a notice published in the *Gazette of India*, applications for the grant of licences for the establishment of new Industrial undertakings in any scheduled industry.

(2) An application received under sub-rule (1) shall be dealt with in the manner laid down in rules 10 to 13.

15. *Grant of Licence or Permission.*—(1) The Ministry of Commerce and Industry shall consider the report submitted to it under rule 11, and where it decides that a licence or permission, as the case may be, should be granted, it shall inform the applicant accordingly, not later than 3 months from the date of receipt of the application, or the date on which additional information under rule 9 is furnished, whichever is later.

(2) Where the Ministry of Commerce and Industry considers that certain conditions should be attached to the licence or permission or that the licence or permission should be refused, it shall, not later than three months from the date of receipt of the application or the date on which additional information under rule 9 is furnished, whichever is later, give an opportunity to the applicant to state his case, before reaching a decision.

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(3) Where a licence or permission has been refused, the applicant shall be informed of the reasons for such refusal.

(4) Licences or permissions shall be in Form F appended to these rules.

16. *Variation or Amendment of Licences.*—(1) Any owner of an industrial undertaking in respect of which a licence has been granted, who desires any variation or amendment in his licence shall apply to the Ministry of Commerce and Industry or to the authority appointed by it under sub-rule (1) of rule 7, giving the reasons for the variation or amendment.

(2) The Ministry of Commerce and Industry after carrying out such investigation as it may consider necessary, may vary or amend the licence. The Ministry of Commerce and Industry may also consult the Licensing Committee before coming to a decision.

17. *Revocation of Licences.*—The Ministry of Commerce and Industry or the authority appointed by it under sub-rule (1) of rule 7 shall, before exercising its power of revocation of a licence under sub-section (1) of section 12 of the Act, give an opportunity to the licensee to state his case.

18. *Review of Licences by a sub-committee.*—A sub-committee of the Central Advisory Council shall be constituted which will review all licences issued, refused, varied, amended or revoked from time to time, and advise Government on the general principles to be followed in the issue of licences for establishing new undertakings or substantial expansion of the existing undertakings. The results of the review shall be reported to the Central Advisory Council.

19. *Submission of Returns.*—Every owner of an industrial undertaking in respect of which a licence or permission has been granted shall send every half year ending 30th June and 31st December, commencing from the date of grant of the licence or permission, as the case may be, till such time as the industrial undertaking commences production, a return, in duplicate, in Form G appended to these rules, to the Ministry of Commerce and Industry, Government of India, New Delhi, or to the authority appointed by it under sub-rule (1) of rule 7. The return relating to every half year shall be sent within one month after the expiry of that half year.

20. *Penalty for contravention of rules.*—Whoscever contravenes or attempts to contravene or abets the contravention of any of these rules shall be punishable under section 24 of the Act.

21. *Allotment of controlled commodities to licensed undertakings.*—The owner of an industrial undertaking in respect of which a licence or permission has been granted shall be eligible to the allotment of controlled commodities required by him for the construction or operation or for both construction and operation of his undertaking on such preferential basis as the Central Government may determine from time to time. In determining such preference the Central Government shall have due regard to the requirments of existing industrial undertakings.

22. *Concession in the grant of import licences to undertakings.*—The owner of an industrial undertaking in respect of which a licence or permission has been granted shall be eligible for the issue of licences for the import of goods required by him for the construction or operation or for both construction and operation of his undertaking on such preferential basis as the Central Government may determine from time to time. In determining this preference which may include such concession as the submission of one consolidated application in respect of the requirements from each currency area for all items shown as licensable to actual users, submission of separate application for highly specialised items even though such items may not be shown as licensable to actual users and priority in the matter of import from different currency areas, the Central Government shall have due regard to the requirements of existing industrial undertakings.

Registration No.....

To be filled in by the Ministry of Commerce and Industry.

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FORM 'A'

(Prescribed under Rule 3 of the Registration and Licensing of Industrial Undertakings Rules, 1952).

APPLICATION FOR REGISTRATION OF AN INDUSTRIAL UNDERTAKING UNDER SECTION 10 OF THE INDUSTRIES (DEVELOPMENT AND REGULATION) ACT, 1951.

1. Name of the Scheduled industry.
2. Registration number under the Indian Factories Act and the date of registration.
3. Name of the industrial undertaking. Address :—
   (a) Head Office.
   (b) Factory or factories.
4. **Ownership**.–Whether proprietory, partnership, private limited or public limited.
5. Names of proprietors, partners or Board of Directors and their addresses.
6. Name and address of the owner of the undertaking in terms of Section 3 (f) of the Act.
7. Capital structure as on date of application.—
   (a) In the case of companies registered under the Indiaa Companies Act, 1913.

	Number	Value	Total
(i) Authorised capital—			
Preference shares ...			
Ordinary shares ...			
Deferred shares ...			
Any other class of shares ...			
(ii) issued capital—			
Preference shares ...			
Ordinary shares ...			
Deferred shares ...			
Any other class of shares ...			

	Number	Value	Total
(iii) Paid-up capital—			
Preference shares ...			
Ordinary shares ...			
Deferred shares ...			
Any other class of shares ...			
(iv) Debentures ...			
(v) Other borrowings ...			

(b) In the case of others—

(i) Total capital invested.

(ii) Share of each of the partners or of members of an association.

8. Name and address of Managing Agents, if any, and the principal clauses of the managing agency agreement.

9. A copy each of the last three years' Balance Sheet and Profit & Loss Accounts (To be attached to this application).

10. (a) *Foreign capital invested.*—Terms of agreement, if any, with foreign collaborator including terms in regard to royalty etc.

(b) Details of foreign technicians employed.

† 11. Approximate land under control of the undertaking.—

(1) for factory and administration purposes—
(a) in use.
(b) available for expansion.

(2) for township and other facilities—
(a) in use.
(b) available for expansion.

12. Water Supply.—

(a) Is it ample for the requirements of—
(1) factory and;
(2) township or staff quarters? (State approximate quantity).

(b) Is it drawn from public supply?

(c) Effluent problems, if any.

13. Power Supply.—

(a) Total requirements drawn from—
(1) own generating station.
(2) public supply.

(b) In the case of own station give brief particulars of plant in operation.

14. (a) Nature of plant and equipment Section by Section.

Main plant and machinery items grouped under different sections following the standard practice in vogue in each industry.

(b) Replacement requirements over next five years.

15. Transport facilities for in-coming raw materials and out-going finished products.

† This does not apply to mining concerns.

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16. Manufacturing activities.—
(a) Whether continuous or shift operation.
(b) Number of shifts generally worked.
(c) Number of working days in a month/year.

NOTE.—Allow for compulsory holidays and for possible interruptions arising from breakdowns, overhauling and maintenance repairs separately on the basis of your past experience.

(d) **Monthly installed capacity*—

*State the number of working days in a month and the number of shifts in a day.

Name of the manufactured products	Capacity

17. Past production including bye-product during the last three calendar years.

Name of principal products and bye-products	Quantity	Value

Note :— In the case of seasonal industries *e.g.* sugar—give figures relating to the season.

18. Staff and Labour Employed	Head Office	Factory	Total
(a) Managerial			
(b) Supervisory—			
Technical			
Non-Technical			
(c) Clerical			
d) Labour—			
Skilled			
Semi-skilled			
Un-skilled			
(e) Other categories, if any.			

Place.....

Date.....

Signature of applicant.

(To be filled in by the Government of India).

Date of receipt of the application.

Signature of the receiving officer.

Registration No.....

(To be filled in by the Ministry of Commerce and Industry.)

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FORM 'B'

(Prescribed under Rule 3 of the Registration and Licensing of Industrial Undertakings Rules, 1952.)

APPLICATION FOR REGISTRATION OF AN INDUSTRIAL UNDERTAKING FOR THE ESTABLISHMENT OF WHICH EFFECTIVE STEPS HAVE BEEN TAKEN (*VIDE* SECTION 10 OF THE ACT).

1. Name of the Scheduled Industry.

2. Name and address of the applicant.

3. Name of the industrial undertaking.

   Address: (a) Head Office
   (b) Factory or factories.

4. **Ownership**—whether proprietory, partnership, private limited or public limited.

5. Names of proprietors, partners or Board of Directors and their addresses.

6. Name and address of the owner of the undertaking in terms of Section 3 (f) of the Act.

7. Whether sanction for capital issue has been applied for and obtained. If so, the number and date of sanction of capital issue. If not, how the undertaking is or is to be financed.

8. What percentage of the total capital has been raised or subscribed.

9. Types, number and values of different classes of shares authorised, issued and paid-up or arrangements being made for—

   (*a*) In the case of companies registered under the Indian Companies Act, 1913—

	Number	Value	Total
(i) Authorised capital.			
Preference shares			
Ordinary shares			
Deferred shares			
Any other class of shares.			
(ii) Issued Capital.			
Preference shares			
Ordinary shares			
Deferred shares.			
Any other class of shares.			
(iii) Paid-up capital.			
Preference shares			
Ordinary shares			
Deferred shares			
Any other class of shares.			

	Number	Value	Total
(iv) Debentures.			
(v) Other borrowings.			
(b) In the case of *others*.			
(i) Total capital invested			
(ii) Share of each of the partners or members of an association.			

10. Name and address of the Managing Agents, if any.

11. Obligations, rights and privileges of Managing Agents in the constitution and working of the company.

12. Is any foreign collaboration or investment envisaged? If so, the extent and nature of such collaboration. Give a copy of the agreement, if any.

13. Are foreign technicians required? Number and types of such personnel. (Approximate indications may be given).

14. Location or proposed location of the factory.

Tehsil District State

15. Area of land required and whether it has been secured.

16. Particulars of buildings erected.

17. What portion of the factory buildings has been constructed and what proportion in value does it bear to the entire cost of the factory buildings.

18. Lines of manufacture proposed :—

Name of product and bye-product	*Monthly proposed capacity	installed

*Basis of estimating installed capacity should be clearly stated, *viz.*, whether operation will be continuous or shiftwise; the number of days in a month and the number of shifts in a day assumed in estimating monthly capacity.

19. Number of estimated working days in a year.

20. Indicate your requirements of rail transport for movements of raw materials and finished products.

21. Estimated requirements of main raw materials.

Name of raw material	Whether indigenous or imported ; if latter, country of origin	Quantity required per year	Estimated value

22. Requirements of capital equipment.—Total value of equipment required.

(i) Imported—

(*a*) from sterling area

(*b*) from dollar and hard currency area.

(ii) Indigenous.

23. What percentage in value of item 22 has been

(*a*) ordered and received.

(*b*) ordered and not yet received.

24. Water supply—

(*a*) Will it be ample for requirements of—

(1) factory and

(2) township or staff quarters

[State approximate quantity.]

(*b*) Will it be drawn from public supply.

(*c*) Effluent problems, if any.

25. Power supply—

(*a*) Total requirements proposed to be drawn from—

(1) own generating station.

(2) public supply.

(*b*) In the case of own station give brief particulars of plant in operation.

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26. Staff and Labour	Already employed	Proposed to be employed on implementation of the project
(a) Managerial		
(b) Supervisory—		
Technical		
Non-Technical		
(c) Clerical		
(d) Labour—		
Skilled		
Semi-skilled		
Unskilled		
(e) Other categories, if any		

27. Give a brief description of the processes involved in the manufacture and the factors favourable for their adoption in the location proposed by you.

Place.....

Date.....

Signature of applicant.

(To be filled in by the Government of India)

Date of receipt of the application

Signature of the receiving officer.

FORM 'C'

(Prescribed under Rule 6 of Registration and Licensing of Industrial undertakings Rules, 1952.)

Registration No.....

GOVERNMENT OF INDIA.
MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 195 .

Certified that the Industrial Undertaking details of which are mentioned below has been registered in terms of Section 10 of the Industries (Development and Regulation) Act, 1951 (LXV of 1951).

Details :

1. Scheduled Industry
2. Name of industrial undertaking
   Address.
3. Name of Owner—
   Address.

Signature of officer.

SEAL OF
THE MINISTRY.

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FORM D.

Licence/Permission

No.....

(To be filled in by the Ministry of Commerce and Industry).

(Prescribed under Rule 15 (2) of the Registration and Licensing of Industrial Undertakings Rules, 1952.)

APPLICATION FOR A LICENCE OR PERMISSION FOR THE ESTABLISHMENT OF A NEW INDUSTRIAL UNDERTAKING UNDER SECTION 11 OF THE INDUSTRIES (DEVELOPMENT AND REGULATION) ACT, 1951.

1. Name of Scheduled Industry

2. Name and address of the applicant.

3. Name and address of the industrial undertaking.

4. Whether it is proposed to be undertaken by proprietors, partners, private limited or public limited company.

5. Name and address of the company.

6. Names of proprietors, partners, or Board of Directors and their addresses.

7. Name and address of the Managing Agents if any.

8. Obligations, rights and privileges of Managing Agents in the constitution and working of the company.

9. Whether sanction for capital issue has been applied for and obtained, otherwise how the undertaking is proposed to be financed.

10. Details of proposed capital structure.

(a) In the case of companies registered under the Indian Companies Act, 1913—

	Number	Value	Total
(i) Authorised capital—			
Preference shares.			
Ordinary shares.			
Deferred shares			
Any other class of shares.			
(ii) Issued capital—			
Preference shares			
Ordinary shares			
Deferred shares			
Any other class of shares.			

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	Number	Value	Total
(iii) Paid-up capital—			
Preference shares			
Ordinary shares			
Deferred shares			
Any other class of shares.			
(iv) Debentures.			
(v) Other borrowings.			
(b) In the case of others—			
(i) Total capital invested.			
(ii) Share of each of the partners or members of an association.			

11. Is any foreign collaboration or investment envisaged? If so, the extent and nature of such collaboration. Give a copy of the agreement, if any.

12. Are foreign technicians required? Number and types of such personnel. Approximate indication may be given).

13. Proposed location of the factory.

Tehsil.....State.....District.....

Reasons for the choice.

14. Lines of manufacture proposed.

Name of Product and bye-product	*Monthly proposed installed capacity

* Basis of estimating installed capacity should be clearly stated, *viz.*, whether the operation will be continuous or shiftwise; the number of days in a month and the number of shifts in a day assumed in estimating monthly capacity.

15. Number of estimated working days in a year.

16. Estimated requirements of main raw materials.

Name of raw materials	Whether indigenous or imported; if latter the country of origin	Quantity required per year	Estimated value

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17. Requirements of capital equipment.—

Total value of equipment required.

(i) Imported.—

(a) from sterling areas.

(b) from dollar and hard currency areas.

(ii) Indigenous.

18. Indicate your requirements of rail transport for movement of raw materials and finished products.

19. Area of land required and whether it has been acquired.

20. Water supply.—

(a) Will it be ample for requirements of—

(1) factory, and

(2) township or staff quarters?

State approximate quantity.

(b) Will it be drawn from public supply?

(c) Effluent problems, if any.

21. Power supply—

(a) Total requirements proposed to be drawn from—

(1) own generating station,

(2) public supply.

(b) In the case of own station give brief particulars of plant in operation.

22. Staff and Labour	Proposed to be employed on implementation of the project.

(a) Managerial.

(b) Supervisory—

Technical.

Non-Technical.

(c) Clerical.

(d) Labour—

Skilled.

Semi-skilled.

Unskilled.

(e) Other categories, if any.

23. Give a brief description of the processes involved in the manufacture and the factors favourable for their adoption.

Place.....

Date..... Signature of applicant.

(To be filled in by the Government of India)

Date of receipt of the application.

Signature of the receiving officer.

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FORM E.

Licence/Permission
No.....

(To be filled in by Ministry of Commerce and Industry)

(Prescribed under Rule 7 of the Registration and Licensing of Industrial Undertakings Rules, 1952.)

APPLICATION FOR A LICENCE OR PERMISSION FOR ANY SUBSTANTIAL EXPANSION OF AN EXISTING INDUSTRIAL UNDERTAKING UNDER SECTIONS 11 AND 13 OF THE INDUSTRIES (DEVELOPMENT AND REGULATION) ACT, 1951.

1. Name of Scheduled Industry.
2. Name and address of the applicant.
3. Name and address of the industrial undertaking.
4. Number and date of Registration or of Licence or Permission.
5. Capital required for the expansion.

   How will it be secured?—Whether by issue of fresh capital or in the form of loan or other sources. Full details to be indicated including information whether fresh issues or loans have been applied for and present stage of such applications.

6. Is any foreign collaboration or investment envisaged? If so, the extent and nature of such collaboration. (Give copy of agreement, if any).

7. Are foreign technicians required? Number and types of such personnel. (Approximate indications may be given).

8. Lines of proposed expansion.

Name of product	Present monthly installed capacity	Expansion envisaged	* Monthly installed capacity after expansion

* If any alternations in the basis of working number of days per month and shifts per day, previously given at the time of registration or licensing are envisaged, they should be clearly indicated.

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9. Estimated requirement of main raw materials and their value,

Name of raw material	Indigenous or imported	Quantity used in previous year	Quantity required for full present capacity	Additional quantity necessary for expansion and value

10. Requirements of capital equipment for the expansion—

(i) Imported—

(a) from sterling area;

(b) from dollar and hard currency areas.

(ii) Indigenous.

11. Indicate your requirements of additional rail transport for movement of raw materials and finished products.

12. Additional land required, if any; whether it has been acquired or is available.

13. Additional power required and whether arrangements have been made therefor.

14. Additional water required and whether arrangements have been made therefor.

15. Staff and Labour	Existing (Before expansion)	Future requirements to allow for expansion
(a) Managerial.		
(b) Supervisory.		
Technical.		
Non-Technical.		
(c) Clerical.		
(d) Labour—		
Skilled;		
Semi-skilled;		
Unskilled.		
(e) Other categories, if any.		

16. Give a brief account of the circumstances which justify expansion of the existing unit and factors which you consider favourable.

Place .....

Date .....

Signature of applicant.

(To be filled in by the Government of India)

Date of receipt of the application.

Signature of the receiving officer.

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FORM 'F'

(Prescribed under Rule 19 of the Registration and Licensing of Industrial Undertakings Rules, 1952).

Licence/Permission No. .....

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the ..... 195 .

An application No. .... dated ..... for a Licence/Permission having been received from ..... for the establishment of a new industrial undertaking under the name/for effecting a substantial expansion to its/their existing industrial undertaking ....., under Rule 7 of the Registration and Licensing of Industrial Undertakings Rules, 1952, the Central Government, in exercise of the powers conferred by Rule 15 of the said rules, hereby grants this licence/this permission to establish a new industrial undertaking/effect a substantial expansion of its/their existing industrial undertaking ..... subject to the following conditions :—

(1) The new industrial undertaking shall be established/The substantial expansion shall be effected with in a period of ..... from the date of issue of this Licence/Permission

(2) The new industrial undertaking shall be located at .....

(3) The new industrial undertaking/The substantial expansion shall have an installed capacity of .....

(4) Any prospectus or other document by which ..... be capital for this undertaking shall contain the following statement :—

" A Licence/Permission has been obtained from the Central Government for the establishment of this new industrial undertaking/effecting a substantial expansion to this industrial undertaking of which a copy is open to public inspection at the Head office of the Company. It must be distinctly understood that in granting this Licence/Permission the Government of India do not take any responsibility for the financial soundness of this undertaking or for the correctness of any of the statements made or opinions expressed in regard to it ".

Signature of the officer :

(Seal of the Ministry).

Licence/Permission
No.....
(To be filled in by the owner of the Undertaking).

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FORM 'G'

(Prescribed Under Rule 19 of the Registrations and Licensing of Industrial Undertakings Rules, 1952.)

HALF-YEARLY RETURN SHOWING PROGRESS OF NEW INDUSTRIAL UNDERTAKING OR ANY SUBSTANTIAL EXPANSION OF AN EXISTING INDUSTRIAL UNDERTAKING UNDER SECTIONS 11 AND 13 OF THE INDUSTRIES (DEVELOPMENT AND REGULATION) ACT, 1951).

1. Name of the Scheduled Industry.
2. Name and address of the industrial undertaking.
3. Number and date of the licence/permission issued to the undertaking.

IN THE CASE OF NEW UNDERTAKINGS ONLY

4. Progress made in the raising of capital including foreign capital, if any.
5. What percentage in value of total requirements of capital equipment has been—
   (a) ordered and received,
   (b) ordered and not yet received.
6. Whether land has been acquired for the factory.
7. Progress made in the construction of the factory and the installation of plant and machinery.
8. Progress made in getting supply of power and water
9. Progress made in the recruitment of foreign technicians, if any.
10. Staff and Labour.

Now employed.

   (a) Managerial.
   (b) Supervisory—
      Technical.
      Non-Technical.
   (c) Clerical.
   (d) Labour
      Skilled.
      Semi-skilled.
      Unskilled.
   (e) Other categories, if any.
11. Principal raw materials stocked.
12. Product and bye-product now manufactured.

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Name of product or bye-product	*Present monthly installed capacity	Present daily output

*Basis of estimating installed capacity should be clearly stated *viz.*, whether operation is continuous or shiftwise, and the number of days in a month and the number of shifts in a day assumed in estimating monthly capacity.

IN THE CASE OF SUBSTANTIAL EXPANSIONS ONLY

13. Progress made in the raising of capital including foreign capital, if any, required for the expansion.

14. Whether land required for the expansion has been acquired.

15. Progress made in the construction of additional factory buildings and the installation of plant and machinery for the expansion.

16. Whether additional power and water required for the expansion has been secured.

17. Progress made in the recruitment of foreign technicians, if any. Number and types secured.

18. What percentage in value of total requirement of the capital equipment has been—

(a) ordered and received,
(b) ordered and not yet received

Staff and Labour.

Now employed.

(a) Managerial
(b) Supervisory—
Technical.
Non-Technical.
(c) Clerical.
(d) Labour—
Skilled
Semi-skilled.
Unskilled.

Other categories, if any,

Place.....

Date.....

SIGNATURE OF THE HOLDER OF LICENCE OR PERMISSION

[No. IP-A(5) (1).]

S. BHOOTHALINGAM, Secy.

NOTIFICATION. 941

No. L. S. 2284—L.W. 79-52-4, dated 8th August 1952.

Whereas His Highness the Maharaja of Mysore is of opinion that an Industrial dispute exists between the Management of the several Hotels and Restaurants in Mysore City, Specified in Schedule I below and the workmen employed by them, in respect of the points of dispute specified in Schedule II below;

And whereas His Highness the Maharaja of Mysore considers it desirable to refer the dispute for adjudication;

Now therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore is hereby pleased to refer the said dispute for adjudication to the Industrial Tribunal constitued in Notification No. L. S. 1515—L.W. 131-52-1, dated the 28th June 1952.

SCHEDULE I.

1 Sri Krishna Bhavan, Market Square, Mysore.
2 Bombay Indra Bhavan, Sayaji Rao Road, Mysore.
3 Chamundeswari Bhavan, Sivarampet, Mysore.
4 Modern Cafe, "Dasaprakash", Gandhi Square, Mysore.
5 Bombay Ananda Bhavan, Sivarampet, Mysore.
6 Ramakrishna Bhavan, Asoka Road, Mysore.
7 Ramachandra Bhavan, Jagan Mohan Palace Road, Mysore.
8 Vidyarthi Bhavan, Jagan Mohan Road, Palace Mysore.
9 Udupi Ananda Bhavan, Asoka Road, Mysore.
10 Nehru Lunch Home, Market Square, Agrahar, Mysore.
11 Prakash Bhavan, Near Prabhudeva Talkies, Mysore.
12 Bus Terminus Restaurant, Bus Stand, Mysore.
13 Cosmopolitan Club, Jubilee Road, Mysore.
14 Welcome Hotel, Gandhi Square, Mysore.
15 Garden Hotel, Old Post Office Road, Mysore.
16 Ramachandra Vilas, 100 Feet Road, Mysore.
17 Mani's Cafe, Prabhudeva Talkies, Mysore.
18 University Restaurant, College Compound, Mysore.
19 Satayanarayana Prasanna Coffee Club, Deevatige Beedi, Mysore.
20 Shankar Lunch Home, Asoka Road, Mysore.
21 New Venkatesh Bhavan, Sayyaji Rao Road, Mysore.
22 Venkatesh Bhavan, Kabir Road, Mysore.
23 Mysore Ananda Bhavan, 100 Feet Road, Mysore.
24 Jayalakshmi Bhavan, Sivarampet, Mysore.
25 Madhava Mandir, Kalamma Gudi Street, Mysore.
26 Prasad Lunch Home, Thyagaraja Cross Road, Agrahar, Mysore.
27 Vidyarthi Nilayam, Jagan Mohan Palace Road, Mysore.
28 Raju's Hotel, Agrahar, Mysore.
29 Victory Cafe, 100 Feet Road, Mysore.

30 New Bharat Cafe, 100 Feet Road, Mysore.
31 Sundar Bhavan, 100 Feet Road, Mysore.
32 Majestic Hotel, 100 Feet Road, Mysore.
33 Kaylas Ananda Bhavan, Sivarampet, Mysore.
34 New Mysore Ananda Bhavan, Sivarampet, Mysore.
35 Sri Amba Bhavan, Sivarampet, Mysore.
36 Amba Bhavan, Sivarampet, Mysore.
37 Bharat Restaurant, Gandhi Square, Mysore.
38 Satyanarayana Brahmin's Coffee Club, Madhavachar Road, Mysore.
39 Hindu Modern Cafe, Sayaji Rao Road, Mysore.
40 New Padmalaya Restaurant, Kallamma Gudi Street, Mysore.
41 New Krishna Bhavan, 100 Feet Road, Mysore.
42 Sadananda Bhavan, Halladakere, Mysore.
43 Chandra Bhavan, Kallamma Gudi Beedi, Mysore.
44 Durga Bhavan, Kallamma Gudi Beedi, Mysore.
45 Lakshmi Bhavan, Mandi Mohalla, Mysore.
46 Gajanana Bhavan, Marwari Road, Chamundi Extension, Mysore.
47 Sree Satyanarayana Coffee Club, Narayana Sastry Road, Mysore.
48 Central Cafe, Asoka Road, Mysore.
49 Central Lunch Home, Asoka Road, Mysore.
50 Bomay Lunch Home, Mandi Mohalli, Mysore.
51 Iyer's Welcome Coffee Club, Markat Square, Agrahar, Mysore.
52 Shanmugananda Bhavan, Nazarabad, Mysore.
53 Gopal Bhavan, Nazarabad, Mysore.
54 Ambik Bhavan, Nazarabad, Mysore.
55 Sri Krishna Prasanna Coffee Club, Thyagaraja Road, Agrahar, Mysore.
56 Dhanalakshmi Bhavan, Coffee Club, Thyagaraja Road, Agrahar, Mysore.
57 Sri Vishnu Prasanna Brahmins' Coffee Club, Market Square, Agrahar, Mysore.
58 Gayatri Bhavan, Bidar Krishnappa Beedi, Mysore.
59 Sita Lakshmi Bhavan, Asoka West Cross, No. 5, Mysore.
60 Court Hotel, Court Road, Mysore.
61 Lakshmi Prasad Lodge, Opposite Olympia Talkies, Mysore.
62 Modern Hindu Hotel, Viceroy Road, Mysore
63 Railway Station Hotel, Mysore Indian Refreshment Room (Vegetarian), Mysore.
64 Market Cafe, Devaraj Market, Mysore.

SCHEDULE II—POINTS OF DISPUTE.

(1) Payment of minimum wages and increments to Hotel Workers as noted below :—

			Rs.
(a) Head Cook for Sweets	...	...	125-5-150
(b) Head Cook for Savouries	...	...	80-4-120
(c) Assistant Cooks	...	...	60-3—90
(d) Servers	...	...	40-2—50
(e) Cleaners	...	...	30-2—50
(f) Grinders	...	...	40-2—50
(g) Stores, etc.	...	...	50-2—60

(2) Payment of Dearness Allowance to workers at 25 per cent of the wages paid to each worker, the minimum Dearness allowance in any case being not less than Rs. 10 per mensem.

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(3) Grant of the following festival holidays in addition to the holidays which the workers are entitled to under the Factories Act and the Shops and Establishments Act :

(*a*) Deepavali ; (*b*) Pongal ; (*c*) Avani Avittam ; (*d*) Onam ; (*e*) Ramjan ; (*f*) Sivarathri (*g*) Ayudapuja ; (*h*) Tamal New Year's Day ; (*i*) Ugadi : (*j*) May Day ; (*k*) Independence Day ; and (*l*) Republic Day.

(4) Grant of a sick leave of 15 days with full pay and a further fifteen days sick leave on half pay to each worker.

(5) Payment of gratuity calculated at one month's salary for every year of service put in by the worker.

(6) Payment of compensation to workers in respect of injuries sustained in the course of employment and treating the period under medical treatment as service.

(7) Guarantee of service.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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LABOUR DEPARTMENT.

Labour Disputes—Dispute between Workers and Management of Bangalore Hotels—Award of the Industrial Tribunal, Bangalore—published.

Read the following papers :—

Letter dated 26th July 1952, from Sri A. R. Nageswara Iyer B.A., B.L., Chairman, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

Dated the 14th day of July 1952.

I. C. 6 of 1952-53.

Present :

Sri A. R. Nageswara Iyer, B.A., B.L. ... *Chairman.*
Sri V. Kandaswami Pillai, B.A., B.L. ... *Member.*

Complaint No. I of 1952-53.

Bangalore Hotel Workers' Association ... *Complainant.*
(By Sri A. Nagesha Rao, Advocate).

Versus.

Bangalore Hotel Owners' Association, representing the ... *Respondent.*
Proprietor of the Lakshmi Vilas Restaurant, Civil Station, Bangalore (By Sri B. Shankara Rao, Advocate).

AWARD.

This is a complaint under Section 33 (A) of the Industrial Disputes Act filed by workman Krishnan Nair, a member of the Bangalore Hotel Workers' Association. It is alleged that he was working as an employee (Sweet Assistant) in Lakshmi Vilas Restaurant, No. 126, Dharmaraja Koil Street, Bangalore 1, from 1st September 1947, that he was suddenly and wrongfully discharged from service on 28th May 1952, that is to say, after the Industrial disputes between the Hotel Owners' Association and their workmen was referred to this Tribunal for adjudication and that, as this was done without obtaining permission from the Tribunal as provided by Section 33 of the Act, the act of the employer was illegal. It was prayed that the termination of service of the workman may be declared illegal and that he may be ordered to be reinstated with back pay together with food-allowance at Rs. 37-8-0 per mensem from the date of the discharge up to the date of reinstatement.

Notice of this application was given to the Respondent. Sri B. Shankara Rao for the Respondent took time for objections and after a few adjournments, while admitting that the discharge of the workman was effected after the reference of the Industrial Dispute to the Tribunal for adjudication, he submitted that that was

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made in ignorance of the procedure laid down by the Act and that the respondent may be excused for the same. He further submitted that though the respondent offered to take the workman back to service the latter was refusing to accept the offer, and that the employer was even now prepared to take him back paying him his back pay up to the date of reinstatement. On behalf of the workman the offer made by the employer was accepted and he agreed to get back to service.

It is undisputed that, though the services of the workman was terminated as alleged in the complaint, he is having his boarding and lodging in the Respondent's hotel all through. The workman undertook to rejoin duty from tomorrow. In the light of these facts our award is as follows:—

That the employer, *i.e.*, the proprietor of the Lakshmi Vilas Restaurant do take back to service the workman Krishnan Nair from tomorrow, *i.e.*, 15th of July 1952 and pay him his salary from the date of termination of his service until the 15th of July 1952. If the workman does not rejoin duty from tomorrow he will not be entitled to further salary or wages. That, as the workman was having his boarding and lodging in the hotel all along, he is not entitled to the food allowance claimed. In the circumstances, the parties will bear their own costs.

A. R. NAGESWARA IYER,
Chairman.

V. KANDASWAMI PILLAI,
Member.

ORDER No. L.S. 2410—L.W. 172-52-2, DATED BANGALORE, THE 11TH AUGUST 1952.

Whereas under Section 33 (*a*) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), a complaint was made by workman Sri Krishnan Nair, an employee in Lakshmi Vilas Restaurant, Dharmaraja Koil Street, Bangalore, that the management of the said Lakshmi Vilas Restaurant, has, during the pendency of proceedings before the said Tribunal, contravened the provisions of Section 33 of the said Act;

And whereas the Award of the said Tribunal in respect of the said complaint has been received;

Now, therefore, in exercise of the powers conferred by Section 17 of the said Act, His Highness the Maharaja of Mysore hereby directs that the said Award, as above, be published in the *Mysore Gazette*.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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LABOUR DEPARTMENT.

Labour Disputes—Dispute between Workers and Management of Bangalore Hotels—Award of the Industrial Tribunal, Bangalore—Published.

Read the following papers:—

Letter dated 26th July 1952, from Sri A. R. Negesvara Iyer, B.A., B.L., Chairman, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

Dated the 14th day of July 1952.

I.C. 6 of 52-53.

Present.

Sri A. R. Nagesvara Iyer, B.A., B.L., ... *Chairman*

Sri V. Kandaswami Pillai, B.A., B.L., ... *Member.*

Complaint No. 2 of 52-53.

Bangalore Hotel Workers' Association ... *Complainant.*
(By Sri A. Nagesha Rao, Advocate.)

Versus.

Bangalore Hotel Owners' Association, representing the Proprietor of the Lakshmivilas Restaurant, Civil Station, Bangalore ... ... *Respondent.*
(By Sri B. Shankara Rao, Advocate).

AWARD.

This is a complaint under Section 33 (A) of the Industrial Disputes Act filed by workman Subbiah, a member of the Bangalore Hotel Workers' Association. It is alleged that he was working as an employee (Sweet Assistant) in Lakshmivilas Restaurant, No. 126, Dharmaraja Koil Street, Bangalore 1, from 2nd February 1950, that he was suddenly and wrongfully discharged from service on 28th May 1952, that is to say, after the Industrial disputes between the Hotel Owners' Association and their workmen was referred to this Tribunal for adjudication and that, as this was done without obtaining permission from the Tribunal as provided by Section 33 of the Act, the act of the employer was illegal. It was prayed that the termination of service of the workman may be declared illegal and that he may be ordered to be reinstated with back pay together with food allowance at Rs. 37-8-0 per mensem from the date of discharge up to the date of reinstatement.

Notice of this application was given to the Respondent. Sri B. Shankara Rao for the respondent, took time for objections and after a few adjournments, while admitting that the discharge of the workman was effected after the reference of the

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Industrial Dispute to the Tribunal for adjudication, he submitted that that was made in ignorance of the procedure laid down by the Act and that the respondent may be excused for the same. He further submitted that though the respondent offered to take the workman back to service, the latter refused to accept the offer, and that the employer was even now prepared to take him back paying him his back pay up to the date of reinstatement. On behalf of the workman the offer made by the employer was accepted before us and he agreed to get back to service.

It is undisputed that, though the services of the workman was terminated as alleged in the complaint, he is having his boarding and lodging in the respondent's Hotel all through. The workman undertook to rejoin duty from tomorrow. In the light of these facts our award is as follows :—

That the employer, *i.e.*, the proprietor of the Lakshmivilas Restaurant do take back to service workman Subbiah from tomorrow, *i.e.*, 15th of July 1952 and pay him his salary from the date of termination of his services until the 15th of July 1952. If the workman does not rejoin duty from tomorrow he will not be entitled to further salary or wages. That, as the workman was having his lodging and boarding in the hotel all along, he is not entitled to the food allowance claimed. In the circumstances, the parties will bear their own costs.

A. R. NAGESVARA IYER,
Chairman.

V. KANDASWAMI PILLAI,
Member.

ORDER No. L.S. 2415—L.W. 172-52-3, DATED BANGALORE, 11TH AUGUST 1952.

Whereas under section 33(a) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), a complaint was made by workman—Sri Subbiah of Lakshmivilas Restaurant, Dharmaraja Koil Street, Bangalore, that the Management of the said Lakshmivilas Restaurant, has, during the pendency of proceedings before the said Tribunal, contravened the provisions of Section 33 of the said Act;

And whereas the Award of the said Tribunal in respect of the said complaint has been received;

Now, therefore, in exercise of the powers conferred by Section 17 of the said Act, His Highness the Maharaja of Mysore hereby directs that the said Award, as above, be published in the *Mysore Gazette.*

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

LABOUR DEPARTMENT.

Labour Disputes—Dispute between Workers and Management of Bangalore Hotels—Award of the Industrial Tribunal—Bangalore—published.

Read the following papers :—

Letter dated 26th July 1952, from Sri A. R. Nageswara Iyer, B.A., B.L., Chairman, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

Dated the 14th day of July 1952.

I. C. 6 of 1952-53.

Present :

Sri A. R. Nageswara Iyer, B.A., B.L. ... ... *Chairman.*

Sri V. Kandaswami Pillai, B.A., B.L. ... .. *Member.*

Complaint No. 3 of 1952-53.

Bangalore Hotel Workers' Association (By Sri A. Nagesha Rao, Advocate), ... *Complainant.*

Versus.

Bangalore Hotel Owners' Association, representing the Proprietor of the Lakshmi Vilas Restaruant, Civil Station, Bangalore, represented by Sri B. Shankara Rao, Advocate. *Respondent.*

AWARD.

This is a complaint under Section 33 (A) of the Industrial Disputes Act filed by workman Velayudan, a member of the Bangalore Hotel Workers' Association. It is alleged that he was working as an employee (Sweet Assistant) in Lakshmi Vilas Restaurant, No. 126, Dharmaraja Koil Street, Bangalore 1, from 28th May 1950, that he was suddenly and wrongfully discharged from service on 29th May 1952, that is to say, after the Industrial disputes between the Hotel Owners' Association and their workmen was referred to this Tribunal for adjudication and that, as this was done without obtaining permission from the Tribunal as provided by Section 33 of the Act, the act of the employer was illegal. It was prayed that the termination of service of the workman may be declared illegal and that he may be ordered to be reinstated with back pay together with food allowance at Rs. 37-8-0 per mensem from the date of the discharge up to the date of reinstatement.

Notice of this application was given to the Respondent. Sri B. Shankara Rao for the respondent, took time for objections and after a few adjournments, while admitting that the discharge of the workman was effected after the reference of the Industrial dispute to the Tribunal for adjudication, he submitted that that was made

in ignorance of the procedure laid down by the Act and that the respondent may be excused for the same.

It was also submitted that the employer offered to take back to service workman Velayudan, that he accepted the offer and has rejoined duty and that the matter had been already settled between the parties. This was not controverted by Sri A. Nagesha Rao, counsel for the Hotel Workers' Association. In these circumstances, there is no necessity for deciding the question raised in the complaint-petition. The complaint is dismissed, parties bearing their own costs.

A. R. NAGESWARA IYER,
Chairman.

V. KANDASWAMI PILLAI,
Member.

ORDER No. L.S. 2420—L.W. 172-52-4, DATED BANGALORE, 11TH AUGUST 1952.

Whereas under Section 33 (A) of the Industrial Dispute Act, 1947 (Central Act XIV of 1947), a complaint was made by Workman—Sri Velayudan of Lakshmi Vilas Restaurant, Dharmaraja Koil Street, Bangalore, that the Management of the said Lakshmi Vilas Restaurant, has, during the pendency of proceedings before the said Tribunal, contravened the provisions of Section 33 of the said Act;

And whereas the award of the said Tribunal in respect of the said complaint has been received;

Now, therefore, in exercise of the powers conferred by Section 17 of the said Act, His Highness the Maharaja of Mysore hereby directs that the said Award, as above, be published in the *Mysore Gazette.*

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATIONS.

No. S.D. 3555—C. 86-51-65, dated Bangalore, 19th August 1952.

In exercise of the powers conferred by sub-section (1) of Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946), read with the Government of India's (Ministry of Food) Notification No. S.R.O. 703, dated the 4th October 1950, subject to the concurrence of the Government of India and in partial modification of Government Notification No. S.D. 144—C. 86-51-19, dated the 9th April 1952, and in supersession of Government Notification No. S.D. 2401—C. 86-51-26, dated the 7th July 1952, His Highness the Maharaja of Mysore is pleased to revise and fix the sale price of wheat in the Mysore State at two and a quarter seers ($2\frac{1}{4}$) per rupee with effect from the 20th August 1952.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Chief Secretary to Government.

Order No. L.D. 905—Legis. 32-52-1, Bangalore, dated 18th August 1952

Ordered that the Mysore University (Amendment) Act, 1952, which received the assent of His Highness the Rajpramukh, on the 7th day of August 1952, be published as Mysore Act No. XXII of 1952, in the *Mysore Gazette* for general information.

MYSORE ACT No. XXII OF 1952.

THE MYSORE UNIVERSITY (AMENDMENT) ACT, 1952.

Received the assent of H. H. the Rajpramukh on the Seventh Day of August 1952.

An Act further to amend the Mysore University Act, 1933.

Preamble.

WHEREAS it is expedient further to amend the Mysore University Act, 1933, (Mysore Act III of 1933), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Mysore University (Amendment) Act, 1952.

(2) It shall come into force at once.

Amendment of section 13 of Mysore Act III of 1933.

2. In sub-section (1) of section 13 of the Mysore University Act, 1933,—

(i) for clause (*e*), the following clause shall be substituted, namely:—

"(*e*) The Principals of Constituent Colleges, University First Grade Colleges and affiliated First Grade Colleges;

Explanation:—'First Grade College' means a College recognised by the University for providing courses of study qualifying students for admission to examinations for degrees."

(ii) Clauses (*i*), (*j*) and (*k*) shall be re-lettered as clauses (*j*), (*k*) and (*l*) respectively and for clause (*h*) the following clauses shall be substituted, namely:—

"(*h*) Three members elected by and from the Mysore Legislative Council by the system of the single transferable vote;

(*i*) Nine members elected by and from the Mysore Legislative Assembly by the system of the single transferable vote."

3. The Mysore University (Amendment) Ordinance, 1952, is hereby repealed, but anything done or any action taken under the Mysore University Act, 1933, as amended by the said Ordinance shall be deemed to have been done or taken under the Mysore University Act, 1933, as amended by this Act, as if this Act had come into force on the date the said Ordinance was promulgated.

Repeal of Mysore Ordinance No. III of 1952 and savings.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. A F. 4887—C.S. 30-52-1, dated Bangalore, 14th August 1952.

In exercise of the powers conferred by Sections 66, 89 and 103 of the Mysore Co-operative Societies Act, 1948, (Mysore Act No. LII of 1948), and in supersession of the rules issued in Notifications No. 326—E.C. 66-18-13, dated 9th July 1920, and No. G. 5929—L.M. 4-29-49, dated 11th November 1929, His Highness the Maharaja of Mysore is pleased to make the following Rules, the draft of the same having been previously published in the *Mysore Gazette* dated 24th November 1949 in Notification No. A.F. 2954—C.S. 130-48-2, dated 11th October 1949 as required by sub-section (3) of Section 66 of the said Act.

The Mysore Co-operative Societies Rules, 1952.

1. (1) These Rules may be called the Mysore Co-operative Societies Rules, 1952.

(2) They shall come into force on the 1st day of September 1952.

(3) In these Rules,

(*a*) 'Act' means The Mysore Co-operative Societies Act, 1948.

(*b*) Words and expressions used in these Rules shall have the meanings, respectively assigned to them in the Act.

(4) 'Sale officer' means an officer of the Department of Co-operation empowered by the Registrar by special or general order to attach and sell the property of judgment-debtors or to execute the decisions or awards or orders having the force of decrees passed by the Registrar or Registrars of Divisions or a Liquidator of co-operative society or to execute or carry out any other orders of the

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Registrar or the Registrar of the Division or a Liquidator of a co-operative society in regard to the attachment and sale of property.

(5) 'Registrar of the Division' means a person subordinate to the Registrar who is empowered to exercise in that district the powers of a Registrar under Section 64 of the Act.

(6) 'Judgment-debtor' means a person against whom a decree, decision, award or order having the force of a decree, has been passed and who has not satisfied the said decree, decision, award or order having the force of a decree.

Application for Registration.

2. (i) Every application for the Registration of a society under Section 9, sub-section (i) of the Act shall contain the particulars specified in and be in the form of schedule appended to these Rules.

(ii) With every such application shall be submitted three copies of the bye-laws proposed for the society.

Subject matter of bye-laws.

3. (1) The matters in respect of which every society shall make bye-laws are the following, namely :—

(*a*) the name and address of the society ;

(*b*) the area of operations of the society ;

(*c*) the objects of the society ;

(*d*) the purposes to which its funds are applicable ;

(*e*) the qualifications for admission to membership and the payment, if any, to be made or interest to be acquired as a condition of exercising the right of membership ;

(*f*) the nature and extent of the liability of the members for the debts contracted by the society ;

(*g*) the circumstances under which withdrawal from membership shall be permitted ;

(*h*) the procedure to be followed in cases of withdrawal, ineligibility and death of members ;

(*i*) the conditions, if any, under which the transfer of a share or the interest of a member shall be permitted ;

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(j) the nature and amount of the share capital, if any, of the society and where there is a share capital, the maximum share capital which a single member can hold;

(k) the circumstances under which the society may borrow funds and the procedure to be followed in so borrowing;

(l) the entrance and other fees and the fines, if any, to be collected from members;

(m) the maximum loan admissible to a member and the procedure to be followed in granting loans and extensions of time for the repayment or renewals thereof and in recovering loans from members;

(n) the conditions on which loans and extensions of time for the repayment or renewals thereof, may be granted to members;

(o) the consequences of default in payment of any sum due by a member;

(p) the method of appropriating payments made by members from whom moneys are due;

(q) the maximum rate of dividend or bonus payable on the paid-up share capital to members;

(r) the rates of interest payable by the society on borrowed funds and by members on loans granted to them;

(s) in the case of productive and distributive societies, the procedure to be followed in purchasing and selling consumer goods and stores, raw materials and finished products and in stock-taking;

(t) the mode of holding meetings, the right of voting and subject to rule, the manner of making, altering and abrogating bey-laws;

(u) the mode of appointment and removal of the Committee and of other officers, and the duties and powers of the committee and such officers;

(v) the method of recruitment, the conditions of service (leave, provident fund, gratuity etc.,) and the 'authority competent to fix, revise or regulate the scale of pay and allowances' of paid officers and servants of the society and the procedure to be followed in the disposal of disciplinary cases against them;

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(*w*) the mode of custody and investment of the funds, and, subject to Rules 9A and 9B, the mode of keeping accounts ;

(*x*) the authorization of an officer or officers to sign documents and to institute and defend suits and other legal proceedings on behalf of the society ;

(*y*) the disposal of the net profits ;

(*z*) the preparation and submission of the annual statements prescribed by the Registrar and the publication of the same ; and

(*aa*) whether the society is to be affiliated to any financing bank or other institution.

(2) A society may make bye-laws in respect of any other matters incidental to the management of its business.

Procedure on receipt of application.

4. (1) The Registrar shall examine the application and the bye-laws to satisfy himself that the application and the bye-laws are not contrary to the Act and the Rules, that the bye-laws are suitable for carrying out the objects of the society and that the proposed society has reasonable chances of successful working, having regard to the local conditions and may call for such further information or make such inquiry as he may deem necessary. He may make such alterations in the draft bye-laws submitted with the application as he may deem necessary, provided the written consent of the signatories to the application is obtained to such alterations.

(2) If the Registrar is not satisfied on all or any of the above-mentioned points, he shall refuse to register the society, but if he is satisfied, he may register the society and the bye-laws and grant to such society free of cost a Certificate of Registration and a copy of the bye-laws as approved and registered by him.

(3) In every case in which the Registrar refuses to register the society, he shall record in writing the reasons for his refusal and shall communicate his decision to the applicants.

5. The Registrar shall keep a register of the names and addresses of all the societies.

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6. When a society has been registered, the bye-laws submitted under Rule 2, sub-rule (ii). shall, with the modifications approved by the Registrar, become the bye-laws of the society and they shall be read at a general meeting attended by not less than two-fifths of the total number of the members on the register of the society.

7. (1) The following procedure shall be adopted in regard to amendments to the bye-laws of a society :— Procedure regarding amendment of bye-laws.

(i) Every amendment shall be made only by a resolution passed by a majority *viz.*, 2/3 of the numbers present at a meeting of the general body of the members of the society.

(ii) No such resolution shall be valid unless notice of the proposed amendment has been given to all the members of the society in accordance with the bye-laws.

(iii) Every application made to the Registrar for the registration of an amendment shall be signed by President and two members of the committee, and shall contain the following particulars, namely :—

(*a*) the date of the general body meeting at which the amendment was made ;

(*b*) the number of days' notice given to convene the general body meeting ;

(*c*) the total number of members of the society on the date of such meeting and the quorum for a meeting of the general body as per the bye-laws ;

(*d*) the number of members present at such meeting ; and

(*e*) the number of members present at the time of voting on the amendment and the number of members who voted for the amendment.

(iv) Notwithstanding anything contaied in clauses (i) to (iii), the Registrar may, by order in writing, permit the bye-laws of a society to be amended by such smaller body representing the members of the society as may be prescribed in the bye-laws of the society. In such cases all references to

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general body meetings contaied in clauses (i) to (iii) shall be construed as references to the meetings of such smaller body.

(2) In every case in which the Registrar refuses to register an amendment to the bye-laws of a society, he shall briefly record in writing the reasons for his refusal and shall communicate his decision to the society.

N.B.—This rule does not apply to amendments to bye-laws under Section 14 of the Act.

8. (1) Notwithstanding anything contained in the bye-laws of a society, no person shall be the Honorary Secretary of a society for a continuous period exceeding three years at a time, except on the sanction in writing of the Registrar or the Registrar of the Division within whose territorial jurisdiction the society is situated, provided that after a continuous period of more than two years preceding the election he has served as Honorary Secretary.

(2) The management of every society situated at district headquarters shall vest in a committee consisting of not less than five and not more than fifteen members elected annually in accordance with the bye-laws of the society. Such bye-laws shall make provision to ensure that not less than one half the total number of members of the committee shall be persons who have not served at any time during the previous two consecutive years on the committee of management. The members who have served the longest period will retire.

The Registrar may, in the case of any society in which he considers that facilities for the enforcement of such restriction regarding the number of members of the relieving committee that could be re-elected do not exist, permit all or any of the retiring members of the committee to be re-elected.

Nothing in this Rule shall apply to the Apex Bank, the Central Land Mortgage Bank and the Mysore Co-operative Institute and to any other Co-operative Institution which may be exempted by Government from the operation of this Rule.

(3) No person being a member of the credit society except a Land Mortgage Bank or of Central Financing Bank or a House Building Society, shall be a member of

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any other credit society, without the general or special sanction of the Registrar, and where a person has become a member of two such credit societies, either or both of the societies shall be bound to remove him from membership upon a written requisition from the Registrar to that effect:

Provided that a month's notice shall be given to the person to select the society in which he wishes to continue as member, and his objections and wishes are duly considered by the Registrar before making the requisition:

Provided further that the Registrar may permit persons who are members of more than one credit society to continue their membership in them only for the purposes of discharging their obligations to these institutions within a period to be fixed by him and not for contracting fresh obligations or for serving on the committees of management of such societies.

(4) No person shall serve simultaneously on the committees of management of more than one society of the same type without the special or general sanction of the Registrar.

N.B.—The decision of the Registrar as to whether two or more societies are of the same type or not shall be final.

(5) Notwithstanding anything contained in the bye-laws of a Society, no member who is in default to the society in respect of his dues for a period of three months or more and who has not paid up the amounts overdue at least seven days before the date of the general meeting, in spite of a notice having been issued to him, shall be eligible to vote at the general meeting of such Society.

Explanation.—A member shall not be deemed to be a defaulter if he obtains from the committee of management an extension of time for the payment of a debt before it becomes due but not after.

(6) If any member during the term he has been elected or appointed to the committee of management or other office of a society continues to be in default to the society in respect of his dues for a period of three months and more, he shall *ipso facto* cease to be a member of the committee of management and to hold the office to which he was elected or appointed.

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Exception.—This Rule does not apply to such of the rural societies as may be exempted by the Registrar and also to such of the urban societies which are considered by him to be in need of such exemption on account of the backwardness of its members.

Books of Accounts to be maintained by societies.

9. (1) Every credit society shall keep the following books and accounts namely :—

(i) A Minute Book in which the proceedings of general meetings shall be recorded.

(ii) A minute book in which the proceedings of the committee meetings shall be recorded.

(iii) Register of members and shares and the names of nominees, showing the serial number, name, age and address of each member, the date of his admission, the shares taken up by him and the amount paid by him from time to time towards such shares and the amount of share capital, if any, refunded to him, with the dates of receipts and refunds and also the dividends payable and paid, the date of removal from membership, the reasons therefor, and the date of committees's resolution ordering removal, and the name and address of the nominee and relationship.

(iv) Cash Book showing daily receipts and disbursements and the balance at the end of each day.

(v) Deposit ledgers (one for each kind of deposit).

(vi) Ledger of borrowings of the society.

(vii) Members' loan ledger showing the date of disbursement of each loan, bond number, voucher number, terms of repayment, (due date, rate of interest, etc.,) dates of repayment, amount repaid towards principal, interest or penal interest and balance outstanding.

(vii) Bond register giving particulars of each loan issued and the date of its discharge and return of the bond.

(ix) Register of overdues.

(x) Register of suits filed and decrees obtained.

(xi) Register of immovable properties of defaulters bought by the society in decree execution sales.

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(xii) Receipt book (containing forms in duplicate suitable for carbon copies being taken).

(xiii) Voucher book for receipts obtained by the society for all payments made by the society (serially numbered and chronologically maintained).

(xiv) Register of monthly receipts and disbursements statement.

(xv) General Ledger.

(xvi) In the case of a society with unlimited liability register of properties owned by the members.

N.B.—The statement shall show the assets and liabilities of each individual member on the date of his admission as well as on the 30th June of each subsequent year. Full details of property including Survey numbers, area, assessment, etc., should be given.

(xvii) Balance sheet register.

(xviii) Such other accounts and books as may be prescribed by the Registrar.

(2) Consumers' or Producers' societies and such societies with credit branches shall maintain all the books and accounts prescribed for credit societies and also the following:

(i) Goods ledger containing a classification of goods stocked and sold.

(ii) Purchase book.

(iii) Sales book.

(iv) Sales bills.

(v) Register of purchases made by each member and dividend thereon.

10. Every member of a society based on unlimited liability shall submit to such society at the time of his admission as well as at the close of each co-operative year a statement of his assets and liabilities duly verified to be correct and true, in such form as may be prescribed by the Registrar.

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Power of Registrar to direct accounts and books to be written up.

11. The Registrar may by order in writing direct any society to get any or all the accounts and books required to be kept by it under Rule 9 written up to such date, in such form and within such time as he may direct. In case of failure by any society to do so, the Registrar may depute an officer subordinate to him to write up the accounts and books. In such cases, it shall be competent to the Registrar to determine, with reference to the time involved in the work and the emoluments of the officer deputed to do it, the charges which the society concerned should pay to the Government and to direct its recovery from the society.

Certifying copies of entries in books.

12. For the purpose specified in sub-section (1) of section 30 of the Act, a copy of an entry in the books of a society regularly kept in the course of business shall be certified,

(*a*) by not less than two members of its committee of whom one shall be the Secretary and shall also bear the society's seal, or

(*b*) where an order has been passed under section 48 of the Act, appointing a Liquidator of the society, by the Liquidator.

The charges to be levied for the supply of such certified copies shall not exceed the amounts prescribed in that behalf by the Registrar from time to time.

Publication of the balance sheet, etc., by the societies.

13. Soon after the close of the official year (which will be from 1st July to 30th June) the accounts of the society shall be audited and the general meeting held not later than 4 months after the close of the official year. A notice for holding the general meeting together with a copy of the agenda and a calendar of events for holding the election of members to the committee of management shall be sent to all the members not less than 15 days before the date fixed for the annual general meeting. The committee shall publish an annual balance-sheet showing the assets and liabilities of the society, a profit and loss account, and a statement of receipts and payments. The balance sheet, the profit and loss account and the statement of receipts and payments, the Auditor's Report and the Committee's replies to the observations of the Auditor and Notes of inspection, if any, of the society

by the Registrar or of his Assistants, shall be open to the inspection of any member during office hours at the office of the society. Copies of the balance sheet, the profit and loss account and the statement of receipts and payments, the Auditor's report and the Committee's replies to the observations of the Auditor, and such extracts from the Notes of Inspection of the society by the Registrar or his Assistants, as the Registrar may direct, shall be sent to all the members of the society along with the annual report. The Registrar shall have power to exempt societies or class of societies from the operation of this rule to such extent as he may deem fit.

Appointment and registration of nominees.

14. (1) Every member of a society may nominate a person to whom, under sub-section (1) of section 26 of the Act, his share or interest may be transferred or the value thereof and any sum payable under sub-section (2) of the said Section, may be paid.

(2) The name and address of every person so nominated shall be entered in the register kept under Rule 9 (1), Clause (iii).

(3) The value of the share or interest of a deceased member referred to in Section 26 of the Act shall be ascertained by the Committee, who shall for this purpose estimate the respective amounts due from and to such member on the day of his death and deduct the former from the latter.

Disputes.

15. (1) The reference to the Registrar of any dispute under Section 52 of the Mysore Co-operative Societies Act, No. LII of 1948, shall be in writing and shall be submitted in the form, if any, prescribed by the Registrar and duly stamped in accordance with the scale, if any, prescribed by Government in this behalf.

(2) (*a*) Where one of the parties to the dispute is a minor or a person of unsound mind, the Registrar or the Registrar of the Division who is deciding the dispute, on being satisfied of the fact of his minority or unsoundness of mind, shall appoint a proper person to be guardian for such minor or person of unsound mind. The Officer making the appointment, may, for sufficient reasons, permit such person to retire or may remove him and appoint a new guardian in his place.

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(*b*) When a necessity arises for the appointment of a guardian to a minor or a person of unsound mind in a dispute before an arbitrator or Board of Arbitrators or other person deciding the dispute, the file may be returned to the Registrar, the Deputy Registrar or the Assistant Registrar who referred the dispute to him, for the appointment of a guardian.

(3) When the Registrar refers a dispute to arbitration, he may decide whether the arbitration shall be by one person or by more than one. If the arbitration is by one person, the Arbitrator shall be appointed by the Registrar. If the arbitration is by more than one person, the Board of Arbitrators shall consist of three persons, of whom one shall be appointed by the Registrar at the time of referring the dispute to arbitration, one by the society and one by person or persons against whom the dispute is filed. The nomination referred to above shall be made by the parties concerned within fifteen days after notice by the Registrar, failing which the Registrar may himself make the nominations. The person appointed by the Registrar to the Board of Arbitrators shall be the Chairman of the Board.

(4) The Registrar, the arbitrator, the Board of Arbitrators or other person deciding the dispute shall have power to administer oaths and to require the attendance of the parties concerned and of witnesses and to require the production of all books and documents relating to the matter of the dispute.

(5) The Registrar, the arbitrator or the chairman of the Board of Arbitrators or other person deciding the dispute shall record a brief note in English or in Kannada the evidence of the parties and the witnesses who attend and upon the evidence so recorded and after consideration of any documentary evidence produced by the parties, a decision or award, as the case may be, shall be given in accordance with justice, equity and good conscience, by such Registrar, arbitrator or Board of Arbitrators or other person. The decision or award shall be reduced to writing and signed by the Registrar, Arbitrator or Board of Arbitrators or other person hearing the dispute. If any party duly summoned to attend fails to appear, the dispute may be decided *ex parte*. *Ex parte* decisions or awards may, on sufficient and satisfactory cause for non-attendance being shown, be set aside by the Registrar and the dispute ordered to be disposed of on merits.

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But applications for setting aside *ex parte* decisions or awards should be made within one month from the date of decision or award or from the date of knowledge of such decision or award having been passed. Applications for setting aside *ex parte* decisions or awards should be disposed of after hearing or after giving reasonable opportunity for being heard to both the parties to the dispute.

(6) (*a*) In disputes settled by a Board of Arbitrators the award shall be in accordance with the decision of the majority of the members of the Board where it is not unanimous.

(*b*) When an award has been made, the person or persons who made it should cause it to be filed in the office of the Registrar together with any depositions and documents which have been taken and proved before them and notice of the filing shall be given to the parties.

(7) Where the decision or award involves the payment of money or delivery of grain and such payment is not made within one week or such further time as may be allowed by the Registrar, the Registrar may on the application of the decree-holder issue a certificate as provided for in Section 54 of the Act. The certificate shall be in the following form:—

Office of the Registrar of Co-operative Societies.

Dispute No.....of.....

Petitioner. *Vs.* Counterpetitioner.

Certified that a decree/decision/award as noted in the enclosure has been passed in the above dispute and the same has not been satisfied (or satisfied in part).

Seal of the Registrar. Signature of the Registrar.

(8) In proceedings under this Rule before the Registrar, the Arbitrator or Board of Arbitrators or other person deciding the dispute, no party to the dispute shall be represented by a Legal Practitioner.

(9) (*a*) The appeal contemplated in Sub-section (5) of Section 52 of the Act shall be preferred in the form of a Memorandum signed by the appellant and presented to the Registrar or Government, as the case may be. The memorandum shall also be accompanied by a copy of the decision appealed from or of the award and shall be stamped according to the scale fixed by Government

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for the decision of disputes under the said Section 52 of the Act.

(*b*) The Memorandum shall set forth concisely and under distinct heads the grounds of objection to the decision appealed from without any argument or narrative and such grounds shall be numbered consecutively.

(*c*) When an appeal is filed under the provisions of Section 52, Sub-section (5) of the Act, the Registrar or Government may order the stay of execution of the decision appealed against on such terms as to giving security or otherwise, as he or they may deem fit until the appeal is disposed of.

(10) (*a*) The following shall be the Scale of Batta to be paid to witnesses summoned under Section 53 of the Act and the same shall be paid by the party at whose instance the witness is summoned :—

Witnesses will be divided into three classes :—

Third Class.—Persons whose monthly income is below Rs. 100.

Second Class.—Persons whose monthly income is Rs. 100 and above.

First Class.—Persons whose monthly income is Rs. 250 and above.

Scale of Batta.

Class of witness	Travelling allowance for journey to and from place of hearing where the latter is in a different station from that of the witnesses			Subsistence allowances including expenses per day
	By rail	By road		
		Where there is a public conveyance such as a motor bus plying for hire	Where there is no public conveyance plying for hire	
III class ...	Single lowest class.	Single lowest class fare ...	Two annas per mile.	Twelve annas.
II class ...	Single II class fare.	Single II class or upper class fare where there are only two classes.	Four annas per mile.	One rupee and eight annas.
I class ...	Single II class fare.	The authority summoning the witness may decide and allow single I class fare where he is satisfied that the witness habitually travels by the highest class available in public conveyances. In other classes, single II class fare only.	Six annas per mile.	Three rupees.

N B.—When the witness resides in the same station as the place of hearing, it will be discretionary with the authority summoning the witness to allow reasonable hire for conveyance (if one is used) in accordance with the status of the witness instead of the subsistence allowances.

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(*b*) On every dispute referred to the Arbitrator or Board of Arbitrators, a fee not exceeding rupee one per dispute shall be paid by the petitioner to the Arbitrator or Board or Arbitrators as incidental expenses.

(*c*) Expenses under (*a*) and (*a*) above shall be treated as costs of the dispute and the authority deciding the dispute shall have full power to determine by whom or out of what property and to what extent such costs and all other costs incidental to the dispute are to be paid and to give all necessary directions for the purposes aforesaid. Where the authority deciding the dispute directs that any costs shall not follow the event, the authority shall state its reasons in writing.

Interest on cost at any rate not exceeding six per cent per annum may be awarded and such interest shall be added to the costs and shall be recoverable as such.

(11) When the decision or award passed under this Rule is executed through the Revenue Agency, all process fees and commission not exceeding $2\frac{1}{2}$ per cent on the amounts realised, whenever special agency is employed by the Revenue authorities for the realisation of claims, shall be recovered from the party or parties against whom the decision or award has been passed, as costs of execution and credited to Government.

N.B.—The word "Registrar" in this Rule shall include the Deputy or Assistant Registrar of Co-operative Societies within whose territorial jurisdiction the society concerned is situated."

16. (1) Every summons issued under the Act shall be in writing, shall be authenticated by the seal, if any, of the Officer by whom it is issued and shall be signed by such Officer or by any person authorized by him in writing in that behalf. Mode of service of summons.

It shall require the person summoned to appear before the said Officer at a stated time and place, and specify whether his attendance is required for the purpose of giving evidence, or to produce a document, or for both purposes; and any particular document, the production of which is required, shall be described in the summons with reasonable accuracy.

(2) Any person may be summoned to produce a document, without being summoned to give evidence; and

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any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced, instead of attending personally to produce the same.

(3) The service of summons under the Act and the Rules, on any person may be effected in any of the following ways :—

(*a*) by giving or tendering it to such person; or

(*b*) if such person is not found, by leaving it at his last known place of abode or business or by giving or tendering it to some adult member of his family; or

(*c*) if the address of such person is known to the Registrar or other authorised person, by sending it to him by post registered; or

(*d*) if none of the means aforesaid is available, by affixing it in some conspicuous part of his last-known place of abode or business.

(4) Person served to sign acknowledgment : Where the serving officer delivers or tenders a copy of the summons to the party personally or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgment of service endorsed on the original summons.

(5) Endorsement of time and manner of service :—The serving officer shall in all cases in which the summons has been served under sub-rule (4), endorse or annex, or cause to be endorsed or annexed, on or to the original summons a return stating the time when and the manner in which the summons was served and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of the summons.

(6) Service on civil public officer or on servant of railway company or local authority :—

Where the defendant is a public officer or is the servant of a railway company or local authority, the officer issuing the summons may, if it appears that the summons may be most conveniently so served, send it by registered post, pre-paid for acknowledgment, for service on the defendant, to the head of the office in which he is employed together with a copy to be retained by the defendant.

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17. (1) The Reserve Fund of a society shall be indivisible and no member shall be entitled to claim a specified share therein. Any loss or portion of loss on account of bad debts written off during any year may, with the sanction of the Registrar, be debited to the reserve fund: Provided that (i) no loss be debited to the Reserve Fund without the sanction of the general body, and (ii) before any such loss is debited, the society shall obtain the consent of the financing bank, if any, to which it is indebted. Reserve Fund.

(2) The Reserve Fund shall be invested in one or more of the modes specified in Section 36 of the Act.

(3) With the previous sanction of the Registrar, the Reserve Fund of a society or a part thereof may be utilised as working capital of the society or it may be invested in the purchase or leasing of land or in the construction or acquisition of buildings, or in such other manner as may be necessary or desirable for the conduct of the society's business.

(4) On the dissolution of a society, the Reserve Fund together with the other funds constituted by it out of the profits shall be applied to (i) discharging such liabilities of the society as may remain undischarged out of the assets of the society (ii) to the repayment of the share capital paid up and (iii) if for any period, no dividend has been paid out of profits, to the payment of a dividend for such period at a rate not exceeding four per cent per annum. Such portion of the funds as may remain after the payments mentioned above have been made shall be applied to such local objects of public utility as may be decided upon by the general body of members and approved by the Registrar. If within three months of the dissolution of a society, the general body of members fail to make any selection approved by the Registrar, the Registrar shall credit the funds to the Reserve Fund of any co-operative society with similar objects that may be working in the neighbourhood of the dissolved society or to the Mysore Co-operative Institute.

18. (1) A member of a Co-operative Society shall not, without the sanction of the Registrar, receive in dividend and bonus for one year, a sum exceeding six and a quarter per cent on the share capital actually paid up by him. Dividend.

(2) Penal interest recovered from members in accordance with the bye-laws and rules of business of the society shall not be appropriated towards profits except with the express approval of the Registrar.

(3) In a society with unlimited liability all the net profits shall be credited to the Reserve Fund of the society and no dividend or bonus or honorarium shall be paid except with the general or special sanction of the Registrar.

(4) Every society may earmark 2½ per cent of its net profits subject to a maximum of Rs. 100 in any case, to co-operative propaganda and education.

(5) The bonus or honorarium payable to the office-bearers of Co-operative Societies who hold office honorarily shall not ordinarily exceed in the aggregate 15 per cent of the net profits remaining after contribution to the Reserve Fund subject to a maximum of Rs. 300. The Registrar may, in special circumstances, permit payment, if sanctioned by the General Body, up to Rs. 500 subject to the above limitation of 15 per cent of the net profits remaining after contribution to the Reserve Fund. In cases where the bonus calculated on the above basis falls below Rs. 30, the General Body may, subject to the approval of the Registrar, sanction a bonus not exceeding Rs. 30, whether or not such bonus exceeds 15 per cent of the net profits as hereinto before mentioned. Where no clerical assistance is given to the Secretary, an additional 5 per cent may be allowed to him notwithstanding the fact that such addition may make the whole bonus exceed Rs. 300.

19. Notwithstanding anything contained in these rules or in the bye-laws of a society as to the mode of summoning a general meeting and the quorum, the object, time and place of such meeting, the Registrar or any person authorised by the Registrar may summon at any time a special general meeting of the society in such manner and at such time and place as he may direct and he may specify what matters shall be discussed at the meeting. Such meeting shall have all the powers of an ordinary general meeting called according to these rules and the bye-laws of the society.

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20. Every society shall, from time to time and whenever called upon, furnish the Registrar with such information and with such returns as he may require.

21. Every society accepting deposits from individuals and institutions shall provide for fluid resources in such manner and according to such standards as may, from time to time, be prescribed by the Government in consultation with the Financing Bank. The Government may, however empower the Registrar by general or special order to relax the standard prescribed for a particular society or for a particular class of societies for specified period.

22. (1) It shall be open to the Registrar to order the removal of any officer of a society and also disqualify or debar him from serving on the committee or from holding any office in the society for such period not exceeding three years as he may deem necessary, if he is satisfied that such officer has acted or has been acting fraudulenty or with gross negligence or in contravention of the bye-laws and subsidiary rules of the society or without the sanction of the committee of management when such sanction is necessary or contrary to the resolution of the committee of management or against the lawful written orders issued under the provisions of the Mysore Co-operative Societies Act and the Rules thereunder or in any way prejudical to the best interests of the society:

Provided that (*a*) the Registrar shall give such person a full opportunity to explain his conduct; (*b*) the committee of management of the society concerned shall also be heard or given a reasonable opportunity of being heard in the matter; (*c*) the objection to the continuance of such person on the committee or as other officer or to his election or appointment thereto shall be recorded in full and communicated to the committee of the society and the person concerned and (*d*) an appeal by the person affected shall lie to Government within one month from the date of receipt of such orders of the Registrar by him.

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(2) Any person against whom an order is passed under clause (1) of this rule shall not be liable to be an officer or serve on the committee of another registered society in Mysore during the period the disqualification operates."

Audit Fee.

23. (1) Every society will be liable to pay each year such audit fee as the Registrar may prescribe in accordance with the scale fixed by Government.

(2) The Registrar may, in his discretion, remit the whole or any part of the fee payable under sub-rule (1) by any particular society or by any particular class of societies for such time as is deemed necessary in each case.

(3) The audit fee levied under sub-rule (1) shall be paid by the Society to the Registrar within a fortnight from the date of completion of the audit and on failure to pay as aforesaid, it shall be recoverable in the manner specified in section 63 of the Mysore Co-operative Societies Act.

Loans.

24. The total amount of loans issued by any Co-operative Society in the State and outstanding against the members of its Managing Committee in the aggregate shall not at any time exceed twenty-five per cent of the total of all loans issued by the society and outstanding against its members at that time;

Provided that the Registrar may, for sufficient reasons and subject to such restrictions as may be considered necessary, exempt any particular society or class of societies from the operation of this rule.

25. No loan shall be granted by a Financing Bank to any member other than a registered society except with the general or special sanction of the Registrar.

Liquidation.

26. The following procedure shall be adopted by a liquidator appointed under section 48 of the Act:

(1) The liquidator shall take into his custody or under his control all the books, registers and accounts belonging to the society and all the property, effects and auctionable claims to which the society is entitled.

(2) The liquidator shall ascertain what the dues and other assets of the society and its debts and liabilities are, and shall investigate all claims against the society. The

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liquidator shall publish in such manner as he thinks proper a notice requiring all claims against the dissolved society to be submitted to him within two months from the date of publication thereof. All liabilities recovered in the account books of the society shall be deemed *ipso facto* to have been duly submitted to him.

(3) The liquidator shall decide questions of priority arising between claimants and shall draw up a scheme for the payment of their dues.

(4) The liquidator shall recover all sums and other properties to which the society is entitled and may institute such suits for that purpose or such suits incidental to liquidation proceedings as he may think proper.

(5) The liquidator may empower any person to make collections and to grant valid receipts on his behalf.

(6) If the assets of the society are not sufficient to cover the costs of liquidation and to pay off the liabilities of the society, the liquidator shall—

(i) determine the contribution to be made by the members and past members or by the estates, nominees, heirs or legal representatives of deceased members or by any officers or former officers respectively to the assets of the society, and

(ii) determine by what persons and in what proportion the costs of liquidation are to be borne,

(iii) Should necessity arise, he may also pass subsidary order or orders regarding such contributions and such orders shall be enforceable in the same manner as the original orders themselves.

(7) The liquidator may apply to the Deputy Commissioner of the district or to the Civil Court having local jurisdiction for the execution of his orders in respect of the payment of contribution and the costs of liquidation under section 54 of the Act. Every such application shall be made in the same manner and (so far as may be) shall contain such particulars as is provided in the case of applications for the execution of decrees under the Code of Civil Procedure.

(8) The liquidator shall keep such books and accounts as may from time to time be prescribed by the Registrar, who may at any time cause such books and accounts to be audited.

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(9) The liquidater shall deposit the funds and other assets of the dissolved society which are collected by him or which may come into his possession as liquidator, in such manner and in such place as may, from time to time, be determined by the Registrar.

(10) The Registrar shall fix the amount of remuneration if any, to be paid to the liquidator out of the assets of the society.

(11) The liquidator may call for meetings of the members of the society from time to time.

(12) The liquidator shall, once a month submit to the Registrar a report showing the progress made in winding up the affairs of society and shall, on completion of the liquidation proceedings, convene a general meeting of the members of the dissolved society at which the liquibator shall summarise his proceedings and report what sum, if any, remains in his possession meeting all the liabilities of the society including the share capital and the dividend thereon as per Clause (4) of Rule 17 of these rules to enable the members of the dissolved society to decide as to what objects of local public utility the said sum may be applied. The liquidator shall submit his final report to the Registrar with a copy of the proceedings of the general meeting referred to above and make over to the Registrar all books, books and registers and accounts, etc., belonging to the society and all books and accounts relating to the liquidation proceedings kept by him.

27. Disposal of records of a society which is finally wound up and whose registration is cancelled.

All the books and records of a society whose registration has been cancelled may be destroyed by the Registrar after the expiry of three years from the date of completion of the winding up.

Interlending.

28. For purposes of sub-section (1) of section 33 of the Act, a loan me ans and includes a deposit made by one society with another society.

Procedure in execution of decrees, decision, award or contribution, Order.

29. (1) The provisions of Section 64 and 65 of the Act in regard to the recovery of the sums specified in Section 64 shall apply in regard to the recovery of like sums due to co-operative societies registered under any

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law for the time being in force in the province of Madras as if such Societies had been registered under the Mysore Co-operative Societies Act.

(2) Any decree-holder requiring the provisions of section 64 of the Act to be applied shall apply to ths Registrar of Division in which the cause of action arose and shall deposit the necessary costs on a scale prescribed by the Registrar. Where, in connection with the proceedings on an application under section 64 of the Act any person requires the issue of any process, or objects to any process issued or proposed to be issued, or requires the adjournment of any proceedings or objects to any order passed, he shall pay such fee as may be prescribed by the Registrar in this behalf. If the judgment-debtor resides or the property to be proceeded against is situated in a division other than that in which the cause of action arose, the application shall be made to the Registrar of the Division in which the cause of action arose who shall transfer the application to the Registrar of the Division where the judgment-debtor resides or the property is situated.

Officer to whom application should be addressed.

(3) Where a judgment-debtor dies before the decree, decision or award has been fully satisfied, on application under sub-rule (2) may be made against the legal representative of the deceased and thereupon all the provisions of this rule shall, save as otherwise provided in this sub-rule, apply as if such legal representative were the judgment-debtor.

Where the decree is executed against such legal representative, he shall be liable only to the extent of the property or the deceased which has come to his hands and has not been duly disposed of; and for the purpose of ascertaining such liability, the Registrar executing the decree may, of his own motion or on the application of the decree-holder, compel such legal representative to produce such accounts as he thinks fit.

Property in the hands of a son or other descendant who is liable under Hindu Law for the payment of the debt of a deceased ancestor in respect of which a decree has been passed, shall be deemed to be the property of the deceased which has come to the hands of the son or other descendant as his legal representative.

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Procedure on receipt of the application by the Registrar.

(4) The application shall be made in the form prescribed by the Registrar and shall be signed by the decree-holder. The decree-holder may indicate whether he wishes to proceed in the first instance, against the immovable property mortgaged to the decree-holder or other immovable property or to secure the attachment of movable property. On receipt of the application, the Registrar of the Division shall verify the correctness and genuineness of the particulars set forth in the application with the records, if any, in his office, and prepare a demand notice in writing in duplicate in the form prescribed by the Registrar, setting forth the name of the judgment-debtor, the amount due and forward it to a sale officer. If the judgment-debtor resides or the property is situated outside the jurisdiction of the Registrar of the Division to whom the application is made such Registrar shall forward the application and the demand notice to the Registrar of the Division in which the judgment-debtor resides or the property is situated.

Order in which proceedings shall be taken.

(5) Unless the decree-holder has expressed a desire that proceedings should be taken in a particular order as laid down in sub-rule (4), execution shall ordinarily be taken in the following manner:—

(i) Movable property of the judgment-debtor shall be first proceeded against, but this shall not preclude the immovable property being proceeded against simultaneously in case of necessity.

(ii) If there is no movable property, or if the sale proceeds of the movable property, or properties attached and sold are insufficient to meet in full the demand of the decree-holder, the immovable property belonging to the judgment-debtor may be proceeded against.

Rules for seizure and sale of movable property. Defaulter be served with demand notice.

(6) In the seizure and sale of movable property, the following rules shall be observed:

(*a*) The sale officer shall, after giving previous notice to the decree-holder, proceed to the town or village where the judgment-debtor resides or the property to be distrained is situated and serve the demand notice upon the judgment-debtor if he is present. If the amount due together with the expenses be not at once paid, the sale officer shall make the

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distress and shall immediately deliver to judgment-debtor a list or inventory of the property distrained and an intimation of the place and day and hour at which the distrained property will be brought to sale if the amounts due are not previously discharged. If the judgment-debtor is absent, the sale officer shall serve the demand notice on some adult male member of his family, or on his authorized agent, or when such service cannot be effected, shall affix a copy of the demand notice on some conspicuous part of his residence. He shall then proceed to make the distress and shall affix the list of the property attached on usual place of residence of the judgment-debtor endorsing thereon the place where the property may be lodged or kept and an intimation of the place, day and hour of sale.

(*b*) After the distress is made, the sale officer may arrange for the custody of the property attached, with the decree-holder or otherwise. Custody of distrained property.

If the sale officer requires the decree-holder to undertake the custody of the property, he shall be found to do so and any loss incurred owing to his negligence shall be made good by the decree-holder. If the attached property is live-stock, the decree-holder shall be responsible for providing the necessary food therefor.

The sale officer, may, at the instance of the judgment-debtor or of any person claiming an interest in such property, leave it in the village or place where it was attached, in the charge of such judgment-debtor or person, if he enters into a bond in the form prescribed by the Registrar with one or more sufficient sureties for the production of the property when called for.

(*c*) The distress shall be made after sunrise and before sunset and not at any other time. Time of distress.

(*d*) The distress levied shall not be excessive, that is to say, the value of the property distrained shall be as nearly as possible proportionate to the sum due by the judgment-debtor together with interest and all expenses incidental to the distraint, detention and sale. Distress to be proportionate to arrears due.

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Distrained cattle or property not to be used.

(*e*) The sale officer shall not work the bullocks or cattle, or make use of the goods or effects, distrained and he shall provide the necessary food for the cattle or livestock, the expense attending which shall be defrayed by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.

What places sale officer may force open.

(*f*) It shall be lawful for the sale officer to force open any stable, cowhouse, granary, godown, out-house or other building and he may also enter any dwelling house the outer door of which may be open, and may break open the door of any room in such dwelling house for the purpose of attaching property belonging to a Judgment-debtor and lodged therein provided always that it shall not be lawful for the sale officer to break open or enter any apartment in such dwelling house appropriated for the zenana or residence of women except as hereinafter provided.

Powers of sale officer to force open doors in presence of police officer.

(*g*) Where the sale officer may have reason to suppose that the property of a judgment-debtor is lodged within a dwelling house, the outer door of which may be shut, or within any apartments appropriated to women, which, by the usage of the country, are considered private, the sale officer shall represent the fact to the officer in charge of the nearest police station.

On such representation, the officer in charge of the said station shall send a police officer to the spot in the presence of whom the sale officer may force open outer door of such dwelling house, in like manner as he may break open the door of any room within the house except the zenana.

The sale officer may also, in the presence of the police officer, after due notice given for the removal of women within a zenana and, after furnishing means for their removal in a suitable manner, (if they be women of rank who, according to the customs of the locality, cannot appear in public), enter the zenana apartment for the purpose of distraining the judgment-debtors' property, if any, deposited therein, but such property, if found, shall be immediately removed from such

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apartments, after which they shall be left free to the former occupants.

(*h*) The sale officer shall (on the day previous to and on the day of sale) cause proclamation of the time and place of the intended sale to be made by beat of drum in the village in which the judgment-debtor resides and in such other place or places as the Registrar may consider necessary to give due publicity to the sale.

Proclamation of time and place of sale and of property to be sold.

No sale shall take place until after the expiration of the period of 15 days from the date on which the sale notice has been served or affixed in the manner prescribed in clause (*a*): Provided that where the property seized is subject to speedy and natural decay, (or where the expenses of keeping it in custody are likely to exceed its value) the sale officer may sell it at any time before the expiry of the said period of 15 days unless the amount due is sooner paid.

Provided also that where property attached under sections 50 or 52 of the Act, is subject to speedy and natural decay or where the expenses of keeping it in custody are likely to exceed its value, the sale officer may sell it at any time before the expiry of the said period of 15 days, and deposit the sale proceeds less costs in the nearest Government Treasury unless the amount specified in the order of attachment is paid earlier.

(*i*) At the appointed time, the property shall be put up in one or more lots, as the sale officer may consider advisable, and shall be disposed of to the highest bidder:

Sale how conducted.

Provided that it shall be open to the sale officer to decline to accept the highest bid where the price offered appears to be unduly low or for other reasons.

Where the property is sold for more than the amount due, the excess amount, after deducting the interest and the expenses or process and the other charges, shall be paid to the judgment-debtor:

Provided, further, that the Registrar of the Division or the sale officer, may, in his discretion, adjourn the sale to a specified day and hour, recording his reasons for such adjournment. Where a sale is so adjourned for a longer period than seven days, a fresh proclamation under clause (*h*) shall be made, unless the judgment-debtor consents to waive it.

The sale officer is entitled to the protection of the Judicial Officers (Protection) Act.

Payment on purchase of distrained property.

(*j*) (i) The property shall be paid for in cash at the time of sale, or as soon thereafter, as the officer holding the sale shall specify, and the purchaser shall not be permitted to carry away any part of the property until he has paid for it in full.

Resale in case of default :—(ii) Where the purchaser fails in the payment of the purchase money, the property shall be resold.

Penalty for forcibly or clandestinely taking away distrained property.

(*k*) Where it is proved to the satisfaction of any civil court of competent jurisdiction that any property which has been distrained under these rules, has been forcibly or clandestinely removed by any person, the court may order forthwith such property to be restored to the sale officer.

Withdrawal of distress on tender of moneys due and expenses prior to sale.

(*l*) Where prior to the day fixed for sale, the judgment-debtor or any person claiming an interest in the property attached, pays the full amount due including interest, batta and other costs incurred in attaching the property, the sale officer shall cancel the order of attachment and release the property forthwith.

What property is exempt from attachment.

(*m*) The movable properties mentioned as exempt from attachment in the proviso to section 60 of the Code of Civil Procedure 1911, shall not be liable to attachment or sale under these rules.

Attachment of salary or allowance of public officer or servant of railway company or local authority or firm.

(7) Where the movable property to be attached is the salary or allowance or wages of a public officer or of a servant of a railway company or local authority or a firm or a company, the Registrar of the Division may, on receiving a report from the sale officer, order that the

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amount shall, subject to the provisions of section 60 of the Code of Civil Procedure, 1911, be withheld from such salary or allowances or wages either in one payment or by monthly instalments as the said Registrar may direct and upon notice of the order, the officer or other person whose duty it is to disburse such salary or allowance or wages shall withhold and remit to the sale officer, the amount due under the order or the monthly instalment, as the case may be.

Attachment of share or interest in movables.

(8) (i) Where the property to be attached consists of the share or interest of the judgment-debtor in movable property belonging to him and another as co-owners, the attachment shall be made by a notice to the judgment-debtor, prohibiting him from transferring the share or interest or charging it any way.

Attachment of negotiable instrument.

(ii) Where the property to be attached is a negotiable instrument not deposited in a court, nor in the custody of a public officer, the attachment shall be made by actual seizure and the instrument shall be brought to the office of the Registrar of the Division ordering the attachment and be held subject to his further orders.

Attachment of property in custody of court or public officer.

(iii) Where the property to be attached is in the custody of any court or public officer, the attachment shall be made by a notice to such court or officer, requesting that such property and any interest or dividend becoming payable thereon may be held subject to the further orders of the Registrar of the Division issuing the notice.

Provided that, where such property is in the custody of a Court or Registrar of another Division, any question of title or priority arising between the decree-holder and any other person not being the judgment-debtor, claiming to be interested in such property by virtue of any assignment, attachment or otherwise shall be determined by such Court or Registrar.

Explanation.—In this sub-rule, 'public officer' includes a liquidator appointed under section 48 of the Act.

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Attachment of decree.

(9) (i) Where the property to be attached is a decree either for the payment of money or for sale in enforcement of a mortgage or charge, the attachment shall be made :—

(*a*) If the decree sought to be attached was passed by a Registrar or by any person to whom a dispute was transferred by a Registrar under section 52 of the Act or by an arbitrator or Board of Arbitrators within the local limits of the jurisdiction of a Registrar, then by the order of the Registrar concerned ;

(*b*) If the decree sought to be attached was passed by a Court and has not been sent for execution to any other court, then by the issue to such court of a notice by the Registrar concerned, requesting such court to stay the execution of its decree unless and until,

(A) the Registrar aforesaid cancels the notice, or

(B) the holder of the decree sought to be executed, or the judgment-debtor, applies to the court receiving such notice to execute its own decree ; and

(C) if the decree sought to be attached is pending execution in a court which did not pass the same, then by the Registrar of the Division seeking to attach such decree in execution, sending the notice referred to in sub-clause (*b*) to such court, whereupon the provisions of that sub-clause shall apply in the same manner as if such court has passed the decree and the said notice had been sent to it in pursuance of the said sub-clause.

(ii) Where a Registrar makes an order under sub-clause (a) of clause (i) or when a court receives an application under sub-head (B) of sub-clause (b) of the said clause, such Registrar or court shall, on the application of the decree-holder who has attached the decree or his judgment-debtor, proceed to execute the attached decree and apply the net proceeds in satisfaction of the decree sought to be executed.

(iii) The holder of a decree sought to be executed by the attachment of another decree of the nature specified in clause (i), shall be deemed to be the representative of the holder of the attached decree and to be entitled to execute such attached decree in any manner lawful for the holder thereof.

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(iv) Where the property to be attached in execution of a decree is a decree other than a decree of the nature referred to in clause (i), the attachment shall be made by the issue of a notice by the Registrar of the Division to the holder of such decree, prohibiting him from transferring or charging the same in any way; and where such decree has been passed by any court or by a different Registrar or by a person to whom a dispute was transferred under section 52 of the Act by a different Registrar or by an arbitrator or Board of Arbitrators in another division, also by sending to such court or to the Registrar of the Division concerned, as the case may be, a notice to abstain from executing the decree sought to be attached until such notice is cancelled by the Registrar who sent the notice.

(v) The holder of a decree attached under this sub-rule shall give the court or the Registrar of the Division executing the decree such information as may reasonably be required.

(vi) On the application of the holder of a decree sought to be executed by the attachment of another decree, the Registrar of the Division making an order of attachment under this sub-rule shall give notice of such order to the judgment-debtor bound by the decree attached; and no payment or adjustment of the attached decree made by the judgment-debtor in contravention of such order after receipt of notice thereof, either through the said Registrar or otherwise, shall be recognised so long as the attachment remains in force.

Attachment of debt, share and other property not in possession of defaulter.

(10) Where the movable property to be attached is—

(*a*) a debt due to the judgment-debtor in question,

(*b*) a share in the capital of a corporation or a deposit invested therein, or

(*c*) other movable property not in possession of the judgment-debtor, except property deposited in, or in the custody of, any Civil Court, the attachment shall be made by a written order signed by the Registrar of the Division prohibiting:—

(i) in the case of the debt,—the creditor from recovering the debt and the debtor from making payment thereof;

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(ii) in the case of the share or deposit—the person in whose name the share or the deposit may be standing from transferring the share or deposit or receiving any dividend or interest thereon;

(iii) in the case of the other movable property except aforesaid, the person in possession of it over to the judgment-debtor.

A copy of such order shall be sent in the case of the debt, to the debtor; in the case of the share or deposit to the proper officer of the corporation; and in the case of other movable property (except as aforesaid) to the person in possession of such property. As soon as the debt referred to in clause (a) or the deposit referred to in clause (b) matures, the Registrar of the Division may direct the person concerned to pay the amount to him. Where the share is not withdrawable, the said Registrar shall arrange for its sale through a broker. Where the share is withdrawable, its value shall be paid to the said Registrar or to the party concerned as soon as it becomes payable. In the case of the other movable property referred to in clause (c), the person concerned shall place in the hands of the said Registrar, as soon as it becomes deliverable to the judgment-debtor.

(11) Immovable property shall not be sold in execution of a decree unless such property has been previously attached:

Provided that where the decree has been obtained on the basis of a mortgage of such property, it shall not be necessary to attach it.

Procedure in attachment and sale of immovable property.

(12) In the attachment and sale (or sale without attachment) of immovable property the following rules shall be observed:—

Description of immovable property to be proceeded against.

(*a*) The application presented under sub-rule (4) shall contain a description of the immovable property to be proceeded against, sufficient for its identification, and in case such property can be identified by boundaries or numbers in a record of settlement or survey, the specification of the judgment-debtor's share or interest in such

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property to the best of the belief of the decree-holder and so far as he has been able to ascertain it.

(*b*) The demand notice issued by the Registrar under sub-rule (4) shall contain the name of the defaulter, the amount due, including the expenses, if any, and the batta to be paid to the person who shall serve the demand notice, the time allowed for payment and in case of non-payment, the particulars of the properties to be attached and sold or to be sold without attachment, as the case may be. After receiving the demand notice, the sale officer shall serve or cause to be served a copy of the demand notice upon the judgment-debtor or upon some adult male member of his family at his usual place of residence or business or upon his authorised agent, or if such personal service is not possible, shall affix or cause to be affixed a copy thereof on some conspicuous part of his last known residence, or on some conspicuous part of the immovable property about to be attached and sold or sold without attachment, as the case may be :

Mode of service of demand notice.

Provided that where the Registrar is satisfied that a judgment-debtor with intent to defeat or delay the execution proceedings against him is about to dispose of the whole or any part of his property, the demand notice issued by the Registrar under sub-rule (4) shall not allow any time to the judgment-debtor for payment of the amount due by him and the property of the judgment-debtor shall be attached forthwith.

(*c*) If the judgment-debtor fails to pay the amount specified in the demand notice within the time allowed, the sale officer shall proceed to attach and sell or sell without attachment, as the case may be, the immovable property noted in the application for execution in the following manner.

Procedure when defaulter neglects to pay.

(*d*) Where attachment is required before sale, the sale officer shall, if possible, cause a notice of attachment to be served on the judgment-debtor personally. Where personal service is not possible, the notice shall be affixed in some conspicuous part of the judgment-debtor's last known residence, if any. The fact of attachment shall also be proclaimed by beat of *tom tom* or other customary mode at some place on or adjacent to such property and at such other place or places as the Registrar of the Division may consider necessary to give due publicity to the sale.

Mode of attachment.

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The attachment notice shall set forth that unless the amount due with interest and expenses be paid within the date therein mentioned, the property will be brought to sale. A copy shall be sent to the decree-holder. Where the sale officer so directs, the attachment shall also be notified by public proclamation in the official Gazette.

Proclamation before sale.

(*e*) Proclamation of sale shall be published by affixing a notice in the Office of the Registrar of the Division and also in the Taluk Office at least thirty days before the date fixed for the sale and also by beat of *tom tom* in the village on two consecutive days previous to the date of sale and on the day of sale prior to the commencement of the sale. Such proclamation shall, where attachment is required before sale, be made after the attachment has been effected. Notice shall also be given to the decree-holder and the judgment-debtor. The proclamation shall state the time and place of sale and specify as fairly and accurately as possible—

(i) the property to be sold;

(ii) any encumbrance to which the property is subject;

(iii) the amount for the recovery of which the sale is ordered, and

(iv) every other matter which the sale officer considers material for a purchaser to know, in order to judge the nature and value of the property.

Sale to be by public auction.

(*f*) When any immovable property is sold under these rules, the sale shall be subject to the prior encumbrances on the property, if any. The decree-holder shall, when the amount for the realisation of which the sale is held exceeds Rs. 100, furnish to the sale officer within such time as may be fixed by him or by the Registrar of the Division an encumbrance certificate from the Registration Department for a period of not less than twelve years prior to the date of attachment to the property sought to be sold, or in the cases falling under the proviso to sub-rule 10, prior to the date of the application for execution. The time for production of the encumbrance certificate may be extended at the discretion of the sale officer or the Registrar of the Division as the case may be. The sale shall be by public auction to the highest bidder, provided that it shall be open to the sale officer to declines to accept the highest bid where the price offered appears

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to be unduly low or for other reasons and provided also that the Registrar of the Division or the sale officer may, in his discretion, adjourn the sale to a specified day and hour, recording his reasons for such adjournment. Where a sale is not adjourned for a longer period than seven days, a fresh proclamation under clause (*e*) shall be made, unless the judgment-debtor consents to waive it. The sale shall be held after the expiry of not less than thirty days calculated from the date on which the notice of the proclamation was affixed in the Office of the Registrar of the Division. The time and place of sale shall be fixed by the Registrar of the Division and the place of sale shall be the village where the property to be sold is situated or such adjoining prominent place of public resort as may be fixed by the said Registrar :

Provided that in cases where an encumbrance certificate is not obtainable owing to the destruction of the connected records, an affidavit from the village Shanbhogue in regard to the encumbrances known to him supported by a certificate from the Registration Department that the encumbrance certificate cannot be granted owing to the destruction of the connected records, shall be accepted in the place of an encumbrance certificate.

(*g*) A sum of money equal to 25 per cent of the bid (purchase price) of the immovable property shall be deposited by the purchaser, in the hands of the sale officer at the time of the purchase, and in default of such deposit, the property shall forthwith be resold ; Deposit by purchaser and resale on default.

Provided that, where the decree-holder is the purchaser and is entitled to set off the purchase money under clause (*k*), the sale officer shall dispense with the requirements of this rule.

(*h*) The remainder of the purchase money and the amount required for the general stamp for the certificate under clause (v) of sub-rule (15) of this Rule shall be paid within fifteen days from the date of sale : Time for payment of the balance of the purchase money.

Provided that the time for payment of the cost of the stamp may, for good and sufficient reasons, be extended at the discretion of the Registrar of the Division up to thirty days from the date of sale :

Provided further, that in calculating the amounts to be paid under this clause, the purchaser shall have the

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advantage of any set off to which he may be entitled under clause (*k*) of this sub-rule ; and

Procedure in default of payment.

(*i*) In default of payment within the period mentioned in the last preceding clause, the deposit may, if the Registrar thinks fit after defraying the expenses of the sale, be forfeited to the Government and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may subsequently be sold.

Notification on resale.

(*j*) Every resale of immovable property, in default of payment of the amounts mentioned in clause (*h*) within the period allowed for such payment shall be made after the issue of a fresh proclamation in the manner and for the period hereinbefore prescribed for the sale.

Where decree-holder purchases, amount of decree shall be taken as payment.

(*k*) Where a decree-holder purchases the purchase money and the amount due on the decree shall be set off against one another and the sale officer shall enter up satisfaction of the decree in whole or in part accordingly.

Release of property on payment of amount due.

(13) Where prior to the date fixed for sale, the judgment-debtor or any person acting on his behalf or any person claiming an interest in the property sought to be sold, tenders payment of the full amount due together with interest, batta and other expenses incurred in bringing the property to sale, including the expenses of attachment, if any, the sale officer shall forthwith release the property after cancelling, where the property has been attached, the order of attachment.

Application to set aside sale on deposit.

(14) (i) Where immovable property has been sold by the sale officer, any person either owning such property or holding an interest therein by virtue of a title acquired before such sale, may apply to have the sale set aside on his depositing with the Registrar of the Division :—

(*a*) for payment to the purchaser, a sum equal to 5 per cent of the purchase money and

(*b*) for payment to the decree-holder, the amount of arrears specified in the proclamation of sale for recovery of which the sale was ordered together with interest thereon and the expenses of attachment, if any, and sale and other costs due in respect of such amount less any amount which may, since the date of such proclamation, have been received by the decree-holder.

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(ii) If such deposit and application are made within 30 days from the date of sale, the Registrar shall pass an order setting aside the sale and shall repay to the purchaser the purchase money together with the 5 per cent deposited by the applicant:

Provided that, if more persons than one have made deposit and application under this sub-rule, the application of the first depositor to the officer authorised to set aside the sale, shall be accepted.

(iii) If a person applies under sub-rule (15) to set aside the sale of immovable property, he shall not be entitled to make an application under this sub-rule.

Application to set aside sale on ground of irregularity or fraud.

(15) (i) At any time within 30 days from the date of the sale of immovable property, the decree-holder or any person entitled to share in a rateable distribution of the assets or whose interests are affected by the sale, may apply to the Registrar of the Division to set aside the sale on the ground of a material irregularity or mistake or fraud in publishing or conducting it:

Provided that, no sale shall be set aside on the ground of irregularity or fraud unless the said Registrar is satisfied that the applicant has sustained substantial injury by reason of such irregularity, mistake or fraud.

(ii) If the application be allowed, the said Registrar shall set aside the sale and may direct a fresh one.

(iii) On the expiration of 30 days from the date of sale, if no application to have the sale set aside is made under sub-rule (14) or under clause (2) of this sub-rule or if such application has been made and rejected, the said Registrar shall make an order confirming the sale:

Provided that, if he shall have reason to think that the sale ought to be set aside, notwithstanding that no such application has been made or on grounds other than those alleged, in any application which has been made and rejected, he may, after recording his reasons in writing, set aside the sale.

(iv) Whenever the sale of any immovable property is not so confirmed or is set aside, the deposit or the purchase money, as the case may be, shall be returned to the purchaser.

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(v) After the confirmation of any such sale, the said Registrar shall grant a certificate of sale bearing his seal and signature to the purchaser.

Such certificates shall state the property sold and the name of the purchaser, and it shall be conclusive evidence of the fact of the purchase, in all courts and tribunals, where it may be necessary to prove it, and no proof of the seal or signature of the Registrar of the Division shall be necessary unless the authority before whom it is produced shall have reason to doubt its genuineness.

(vi) An order made under this sub-rule shall, subject only to the provisions of section 59 of the Act, be final; and shall not be liable to be questioned in any suit or other legal proceedings.

(vii) No application under Section 59 of the Act shall be presented to the Registrar or to the Government for modifying, annulling or reversing any order of the Registrar of the Division under this sub-rule after a period of one year from the date of such order.

Delivery of possession.

(16) Where any lawful purchaser of immovable property is resisted and prevented by any person other than a person not being the judgment-debtor claiming in good faith to be in possession of the property on his own account from obtaining possession of the immovable property purchased, any Court of competent jurisdiction, on application, and production of the certificate of sale provided for by sub-rule (15) shall cause the proper process to be issued for the purpose of putting such purchaser in possession, in the same manner as if the immovable property purchased had been decreed to the purchaser by a decision of the court.

Sale of immovable property to be proportionate to amount due.

(17) It shall be lawful for the sale officer to sell the whole or any portion of the immovable property of a judgment-debtor in discharge of money due, provided always that, so far as may be practicable, no larger section or portion of immovable property shall be sold than may be sufficient to discharge the amount due with interest, and expenses of attachment, if any, and sale.

Private alienation of property after attachment, to be void.

(18) Where an attachment has been made under these rules, any private transfer or delivery of the property attached or of any interest therein and any payment to the judgment-debtor of any debt, dividend or other moneys contrary to such attachment, shall be void as against all claims enforceable under the attachment.

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Explanation.—For the purpose of this sub-rule, claims enforceable under an attachment include claims for the rateable distribution of assets under sub-rule (24).

(19) Persons employed in serving notices or in other process under these rules shall be entitled to batta at such rates as may from time to time be fixed by the Registrar.

Process servers to be paid batta.

(20) Where the cost and charges incurred in connection with attachment and sale of movable property or the attachment and sale or sale without attachment of immovable property under this rule, exceeds the amount of the cost deposited by the decree-holder under sub-rule (1), such excess shall be deducted from the sale proceeds of the property sold or the moneys paid by the judgment-debtor as the case may be, and the balance shall be made available to the decree-holder.

Batta, interest and other charges recoverable from sale proceeds.

(21) Every person making a payment towards any money due for the recovery of which application has been made under this Rule, shall be entitled to a receipt for the amount, signed by the sale officer or other officer empowered by the Registrar of the Division in that behalf; such receipt shall state the name of the person making the payment and the subject matter in respect of which the payment is made.

Receipts for payment of amount due.

(22) (*a*) Where any claim is preferred to, or any objection is made to the attachment of, any property attached under this rule on the ground that such property is not liable to such attachment, the sale officer shall investigate the claim or objection and dispose it of on the merits:

Investigation of claims and objections to attachment of property.

Provided that no such investigation shall be made when the sale officer considers that the claim or objection is frivolous.

(*b*) Where the property to which the claim or objection relates has been advertised for sale, the sale officer may postpone the sale, pending the investigation of the claim or objection.

(*c*) Where a claim or an objection is preferred, the party against whom an order is made, may institute a suit within six months from the date of the order to establish the right which he claims to the property in dispute, but, subject to the result of such suit, if any, the order shall be conclusive.

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(23) (*a*) Any deficiency of price which may happen on a resale held under clause (i) of sub-rule (6) or clause (g) or clause (j) of sub-rule (12) by reason of the purchaser's default, and all expenses attending such resale shall be certified by the sale officer to the Registrar of the Division and shall, at the instance of either the decree-holder or the judgment-debtor, be recoverable from the defaulting purchaser under the provisions of this rule. The costs, if any, incidental to such recovery shall also be borne by the defaulting purchaser.

(*b*) Where the property may, on the second sale, sell for a higher price than at the first sale, the defaulting purchaser at the first sale, shall have no claim to the difference of increase.

Determination of attachment.

(24) Where any property has been attached in execution of a decree, but by reason of the decree-holder's default, the Registrar of the Division is unable to proceed further with the application for execution, he shall either dismiss the application or for any sufficient reason, adjourn the proceedings to a future date. Upon the dismissal of such application, the attachment shall cease.

Attachment in execution of decrees of several courts and rateable distribution of assets.

(25) (*a*) Where the sale officer attaches or has attached under these rules, any property, not in the custody of any court, which is already under attachment made in execution of a decree of any court, such court shall receive and realize such property and shall determine claims thereto and any objections to the attachment thereof.

Provided that where the property is under attachment in the execution of decrees of more courts than one, the court which shall receive or realize such property and shall determine any claim thereto and any objection to the attachment thereof, shall be the court of the highest grade, or where there is no difference in grade between such courts, the court under whose decree the property was first attached.

(*b*) where assets are held by the sale officer and before the receipt of such assets, demand notices in pursuance of applications for execution of decrees against the same defaulter have been received from more than one decree-holder and the decree-holders have not obtained satisfaction, the assets after deducting the costs of realization, shall be rateably distributed by the sale officer among all

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such decree-holders in the manner provided in section 73 of the Code of Civil Procedure, 1911.

30. The provision of Rule 29 shall apply in regard to the recovery of any sum due to Government as 'decree-holder', subject to the following modifications, namely:— Procedure for recovery of sums due to Government.

(1) The Registrar of the Division in which the cause of action arose may, of his own motion, take any steps which he may deem suitable in the matter of such recovery in accordance with the provisions of that rule, without any application having been made to him in that behalf under sub-rules (1) and (2) thereof.

(2) It shall not be necessary to deposit any sum by way of costs as required by sub-rule (1).

(3) It shall not be necessary for the sale officer to give the decree-holder previous notice, as required by clause (*a*) of sub-rule (6), of the intention to serve the demand notice on the judgment-debtor and, in default of payment, to distrain his property, nor shall the provision of that clause which empowers the sale officer to require the decree-holder to undertake the custody of the distrained property apply.

(4) It shall not be necessary to send a copy of the attachment notice to the decree-holder as required by clause (*d*) of sub-rule (12).

(5) It shall not be necessary to give notice of the proclamation of sale to the decree-holder as required by clause (*e*) of sub-rule (12).

(6) The Registrar shall himself obtain the encumbrance certificate required to be furnished by the decree-holder under clause (*f*) of sub-rule (12).

(7) The payments required to be made under sub-clause (*b*) of clause (i) of sub-rule (14) shall be made to the sale officer, on behalf of the decree-holder.

(8) The application referred to in clause (i) of sub-rule (14), shall be made by the sale officer on behalf of the decree-holder.

31. Every notice of process issued under the Act or under Rule 29 shall be in writing, shall be authenticated by the seal, if any, of the officer by whom it is issued, and Authentication of notice or process.

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shall be signed by such officer or by any person authorised by him, in writing, in that behalf.

Mode of making attachment before judgment.

32. (1) Attachment of property under section 50 or sub-section (4) of section 52 of the Act shall be made in the manner provided in Rule 29.

Investigation of claim to property attached before judgment.

(2) Where a claim is preferred to property attached under sub-rule (1), such claim shall be investigated in the manner and by the authority specified in Rule 29.

Removal of attachment when security furnished of suit dismissed.

(3) Where a direction is made for the attachment of any property under sub-rule (1), the Registrar of the Division shall order the attachment to be withdrawn:—

(*a*) When the party concerned furnished the security required together with security for the costs of the attachment; or

(*b*) When the liquidator determines under clause (*b*) of sub-section (2) of section 41 of the Act that no contribution is payable by the party concerned; or

(*c*) When the Registrar passes an order under sub-section (1) of section 50 of the Act that the party concerned need not repay or restore any money or property or contribute any sum to the assets of the society by way of compensation, or

(*d*) When the dispute referred to in sub-section (1) of Section 52 of the Act has been decided against the party at whose instance the attachment was made.

Attachment before judgment not to affect rights of strangers or bar decree-holder from applying for sale.

(4) Attachment made under sub-rule (1) shall not affect the rights existing prior to the attachment of persons not parties to the proceedings in connection with which the attachment was made, nor bar any person holding a decree against the person whose property is attached from applying for the sale of the property under attachment in execution of such decree.

Re-attachment not necessary if property is under attachment before judgment.

(5) Where property is under attachment by virtue of the provisions of this rule and a decree is subsequently passed against the person whose property is attached, it shall not be necessary upon an application for execution of such decree to apply for re-attachment of the property.

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33. Whenever any dispute or appeal instituted under the provisions of the Act is disposed of without contest, by agreement of parties, the Registrar or the Registrar of the Division or Government entertaining the dispute or the appeal shall, on the application of the petitioner (plaintiff) or appellant, grant a refund order to him authorising him to receive from the Treasury the amount of court fee paid on the dispute or the memorandum of appeal:

Provided that, the said application is made within six months of the date when the judgment or final order was passed.

34. When any two or more registered societies desire to amalgamate and form one society under section 51, clause (1) of the Act, the following procedure shall be observed :—

(1) The societies concerned shall convene a general meeting of their members and pass a resolution in favour of such amalgamation specifying the conditions under which the amalgamation is to be effected, the arrangements made for the proper exercise of the rights and the discharge of the liabilities of the societies amalgamating and the terms on which such of the members as are opposed to the amalgamation can withdraw from their membership if they so desire. The resolution must also specify the name of the amalgamated society and whether the amalgamation is with or without dissolution or division of funds of such societies or of any of them.

(2) An application supported by a copy of the resolution referred to in sub-rule (1) above, shall next be made to the Registrar by each of the societies concerned for approval. The Registrar may, if he deems fit, approve of such resolution and register the amalgamation :

Provided—

(*a*) that the general meeting of each society has been held in accordance with all the formalities prescribed in the bye-laws or other rules of the society, the rules and the Act ; and

(*b*) that the resolution is passed by such majority, if any, as may be prescribed by the Act, the rules

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thereunder or the bye-laws and other rules of the society.

35. Where a registered society desires to transfer all or some of its engagements to another registered society under section 51, clause (2) of the Act, the following procedure shall be observed :—

(1) The society desiring to transfer its engagements to another society shall pass a resolution in favour of such transfer at a general meeting of its members specifying the conditions under which its engagements are transferred, the arrangements made for the proper exercise of its rights and the discharge of its liabilities and the terms on which such of the members as are opposed to the transfer may withdraw from their membership, if they so desire. The resolution shall also specify the name of the society to which the engagements are transferred and whether the transfer is with or without dissolution or division of funds of the society, the engagements of which are transferred.

(2) The society to which the engagements of another society are transferred shall pass a resolution at a general meeting of the members in favour of such transfer specifically accepting the terms of the transfer mentioned in sub-rule (1) above.

(3) Where the transfer of the engagements proposed by one registered society is accepted by another society in the manner stated in clauses (1) and (2) of this rule, an application by each of the societies which are parties to the transfer must next be made to the Registrar, supported by copies of the resolutions referred to in sub-rules (1) and (2).

The Registrar may, if he deems fit, approve of the resolutions and register the transfer :

Provided—

(*a*) that the general meeting of each society has been held in accordance with all the formalities prescribed in the bye-laws or other rules of the society, the Act or the Rules thereunder ; and

(*b*) that the resolution is passed by such majority, if any, as may be prescribed by the Act, the rules thereunder or the bye-laws and other rules of the society.

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36. The person authorised by the Registrar to hold an enquiry under section 39(1) shall be an officer not below the rank of an Assistant Registrar of Co-operative Societies or such other person as the Registrar may appoint in writing to hold this enquiry.

37. Rules for the election of the members to the committees of management or of other offices of Co-operative Societies.—

(1) Soon after the close of the official year, the accounts of the society should be got audited, and the date of the annual general meeting fixed and intimated to all the members at least fifteen days before the date of the meeting.

(2) A list of members who are in default to the society in respect of their dues either on their own account or on behalf of others for a period of three months or more should be prepared and notices given to such defaulters at least fifteen days before the date fixed for the annual general meeting that they will not be eligible either to vote at the annual general election to the committee of management to any office in the society or to stand as candidates for the committee of management if they fail to pay up the amounts overdue at least seven days before the date of the annual general meeting.

Exception.—This provision shall not apply to such of the rural societies as may be exempted by the Registrar and also to such of the urban societies which are considered by him to be in need of such exemption on account of the backwardness of a majority of its members.

(2-A) As a rule all the members of the committee of management shall be deemed to have vacated their seats at the time of the annual general meeting but shall continue in office till relieved by their successors.

(3) Members desirous of standing as candidates to the committee of management, or to other offices should give their applications to the Secretary, or to the office of the society at least five days before the annual general meeting. In all cases of nominations, the consent of the concerned candidates should have been obtained in writing and sent to the society along with the nomination paper. If the consent of nominated candidates has not been taken before five days from the date of the general meeting

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their names shall not be included in the voting slips. A member may nominate as many persons as there are seats on the committee or other office, from among those who are not defaulters and give such nomination paper to the Secretary or to the office of the society at least five days before the annual general meeting. In all cases of nominations, the consent of the concerned candidates should have been obtained in writing and sent to the society along with the nomination paper. If the consent of nominated candidates has not been taken, their names shall not be included in the voting slips.

(4) The names of those who have duly applied or are nominated (if they are not otherwise ineligible) shall be noted in the voting slips, and a copy thereof shall be published on the notice board of the society three days before the date fixed for the annual general meeting.

(5) Three days before the date of the annual general meeting, a list of members eligible for voting should be prepared and kept in the society for inspection of members.

(*a*) In the preceding rules, wherever the words "at least" or "not less than" occur, the day of the act and the day of the event have both to be excluded in computing the period. Thus, if a meeting is fixed on the 28th of a month, the notice contemplated in sub-rule 1, should be sent at the latest on the 12th of the month.

(*b*) Where the words "..... days before" are mentioned, it is enough if either the day of the act or the day of the event is excluded. Thus, if the meeting is fixed on the 28th of a month, the publication of the voting slip contemplated in sub-rule 4 has to be done on the 25th at the latest.

(6) All the members that attend the annual general meeting should sign in the register kept for the purpose as they enter the place of the meeting.

(7) The general body should decide the time during which voting may take place. If the power of fixing the time of voting has been delegated to the committee by the general body, the committee may fix the same.

(8) Voters should appear in person and vote.

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(9) Identification slips may be issued to members entitled to vote. Members who hold identification tickets should produce them before the Polling Officer at the Polling Booth and obtain voting slips from him.

(10) The voting slip should bear the seal of the society or some other distinguishing mark.

(11) Canvassing or soliciting votes immediately prior to or during the conduct of elections shall be strictly prohibited within the polling booth where the polling is arranged to be held.

(12) Voting shall be by ballot, and voters should put a mark prescribed for this purpose against the names of candidates whom they wish to elect, fold the voting slip, and deposit it in the ballot box. The Polling Officers should help the illiterate members in marking against the names of the candidates in the voting slips.

(13) The general body should, before the commencement of election, appoint as many Polling Officers as may be ecessary for the proper conduct of elections and Tellers to count the votes.

(14) After all the voters present have voted or after the time fixed for voting by the general body or by the committee is over, the Polling Officer should stop voting and deliver the ballot box to the Tellers.

(15) Tellers shall take into consideration only such voting slips as shall have been regularly filled up.

(16) Soon after the counting of votes is over, the result shall be announced either at the annual general meeting, if possible, or published on the notice board of the society under the signature of the Chairman of the meeting.

(17) The Chairman of the annual general meeting shall arrange to keep in safe custody in the society in a sealed box the voting slips and their counterfoils, the register containing the signatures of members that attended the meeting and the report of the Tellers. These may be burnt two months after the date of the annual general meeting.

(18) If any member wishes to file any dispute regarding the elections, he should do so, within thirty days from

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the date of announcement of the result of the election by presenting a petition before the Registrar.

38. (1) The management of the Mysore Provincial Co-operative Apex Bank, Ltd., shall vest in a Board of Directors consisting of twenty persons including the President.

(2) The President of the Board shall, until the expiration of three years from the constitution of the Board for the year 1950-51, be a person nominated by the State Government and shall thereafter be a member of the Bank elected by the general body every year at the annual general meeting of the Bank and approved by the State Government. The person nominated by the State Government shall hold office till his successor is appointed and he need not be a member of the Bank.

(3) Three members of the Board shall be nominated by the State Government. They shall hold office till their successors are appointed. They need not be members of the Bank.

(4) One Director representing the Provincial Co-operative Institutions in the State will be nominated by the State Government.

N.B.—A Provincial Co-operative Institution means a Co-operative Society of which Primary Co-operative Societies are also enrolled as members besides individuals and with an area of operation extending over the whole of the State.

(5) One Director shall be elected by the preference share holders from among themselves.

(6) One Director shall be elected by the representatives of affiliated Co-operative Societies situated within the Municipal limits of the City of Bangalore. One Director shall be elected from the representatives of affiliated Co-operative Societies situated within the Municipal limits of Mysore City.

(7) One Director shall be elected by the representatives of affiliated Urban Co-operative Societies situated in Bangalore, Tumkur and Kolar Districts excluding those situated within the Municipal limits of the City of Bangalore.

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(8) One Director shall be elected by the representatives of affiliated Urban Co-operative Societies situated in Mysore, Mandya and Hassan Districts excluding those situated within the Municipal limits of Mysore City.

(9) One Director shall be elected by the representatives of affiliated Urban Co-operative Societies situated in Shimoga, Chikmagalur and Chitaldrug Districts.

N.B.—The expression "Urban Co-operative Societies" in this rule shall mean all Co-operative Societies situated within the jurisdiction of the Town Municipalities including Minor Municipalities in the State and also the Sanitary Board of Kolar Gold Fields and the City Municipality of Davangere.

(10) The remaining nine Directors shall be elected by the representatives of affiliated Rural Co-operative Societies at the rate of one for each District from among themselves.

(11) The term of the office of the 15 elected Directors shall expire on the day of the Annual General Election following their election but they shall be eligible for re-election:

Provided, that no person shall hold office as Director for more than two terms consecutively.

(12) (i) Any vacancy occurring in the office of the elected President or any elected Director by death, resignation or any other cause, shall be filled up for the unexpired term of the Board in such a way that the number of representatives of each class of members shall be in conformity with preceding sub-rules, the election of the President being subject to the approval of the State Government.

(ii) Any vacancy occurring in the office of the nominated President or any nominated Director by death, resignation or any other cause shall be filled up by the State Government by nomination.

(13) The Chief Executive Officer of the Bank shall be the Secretary. He shall be a whole-time salaried Officer who shall be appointed by the Board out of the panel of names to be sent by the Registrar and subject to approval of the State Government. He shall not be a member of the Board. He shall be responsible for the administration of the Bank subject to the control of the President.

(14) The Bank shall have a duly qualified Auditor possessing a certificate of audit under the Mysore Auditors' Certificate Rules or a Chartered Accountant's qualification for the purpose of continuous internal audit and his appointment shall be subject to the approval of the Registrar.

39. In the case of any Urban Co-operative Society other than a Stores Society, the membership of which has, in the opinion of the Registrar, become unwieldy, the Registrar may, after hearing the objections, if any, of the society concerned, direct that further admissions be stopped or fix the maximum strength of membership for the said society. From an order passed by the Registrar under this rule, an appeal shall lie to Government within two months from the date of the communication of the order to the society concerned.

40. No society may take any action which would involve the society in the discussion or propagation of controversial opinions of a religious or political character and the Registrar may prohibit any action or rescind any resolution which in his opinion is of such a tendency.

41. In calculating the profits of a society for the year, for the purpose of declaring a dividend or bonus, all interest accrued due, but not actually realised shall be deducted from the gross profits of the year, before the net profits are arrived at. All accrued interest that has been so deducted from the profits of the year and that is actually recovered during the subsequent year, may be added to the profits of the subsequent year. The Registrar may in special cases and after due enquiry, permit or authorise a society to treat interest accrued due for a period not exceeding one year as profits; but if the amount so permitted to be treated as profits is not actually recovered during the subsequent year, it shall be deducted from the profits of such subsequent year before the net profits of that year are arrived at.

42. (i) A registered society may invest its funds in any bonds or loans issued by the Government of Mysore and secured upon its revenues or in any debentures issued under its authority and guaranteed by it or in securities in which a trustee may invest trust funds under any law for the time being in force in Mysore.

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(ii) With the previous approval of the general body and sanction of the Registrar, a registered society may invest its funds in the purchase or leasing of land or in the construction or acquisition of buildings as may be necessary or desirable for the conduct of the society's business.

43. Any officer or member of the committee of a society who appears as a legal practitioner (1) against such society, or (2) otherwise than in an honorary capacity on behalf of such society, shall be deemed to have vacated his office or ceased to be on the committee of such society.

44. (1) No person shall be eligible for admission as member of a society if he— Restriction on admission of persons as members.

(*a*) is a paid employee of the society, or

(*b*) is of unsound mind, or

(*c*) is an applicant to be adjudicated a bankrupt or an insolvent or is an uncertified bankrupt or an undischarged insolvent, or

(*d*) has been sentenced for any offence other than an offence of a political character or an offence not involving moral delinquency, such sentence not having been reversed or the offence pardoned.

(2) Any member of a society shall cease to be a member of the society if he—

(*a*) becomes a paid employee of the society, or

(*b*) becomes of unsound mind, or

(*c*) applies to be adjudicated or is adjudicated a bankrupt or an insolvent,

(*d*) is sentenced for any such offence as is described in clause (*d*) of sub-rule (1).

45. No person shall be eligible for election or appointment as a member of the committee of a society if he is a near relation of a paid employee of the society and a member of the committee of any society shall cease to hold his office as such if he becomes a near relation of a paid employee of the society: provided that if any question arises whether a person is or is not a near relation of a Disqualification of near relations of paid employees of societies for membership of committee.

paid employee of the society, the question shall be referred to the Registrar for decision.

Loans from State Funds.

46. (1) Loans from State Funds not exceeding Rs. 2,000 ordinarily may be made to any co-operative society.

(2) The amount advanced to any society shall not exceed five times the paid-up share capital of the society at the time of the issue of the loan and twice the paid-up share capital two years thereafter.

(2-A) In the case of Depressed Class Societies, the amount advanced to the society shall not exceed ten times the paid-up share capital or Rs. 1,000 whichever is more, at the time of the issue of the loan.

(3) All advances to a society may be free of interest for the first two years and will afterwards, subject to the sub-rule (14) below, bear interest at rates to be prescribed by Government from time to time.

Instalments for repayment.

(4) The advances shall be repayable in not more than three annual instalments commencing after the lapse of two years after the grant of the advance. But the Registrar may, at his discretion, prescribe a shorter period for repayment according to the circumstances of each case.

Application for an advance.

(5) A society requiring an advance shall submit to the Registrar an application in the form contained in Schedule B annexed to these rules.

Power to sanction advances and prescribe instalments for repayment.

(6) The Registrar, after satisfying himself as to the correctness of the statement made in the application, may sanction the payment of the advance from any treasury or sub-treasury and may prescribe the number of instalments of repayment and the dates on which each instalment is to be repaid:

Provided that, without the special sanction of the Government no advance sanctioned by the Registrar shall exceed Rs. 1,000.

Order sanctioning advance.

(7) If the Registrar sanctions an advance, his sanction shall be conveyed in an order in the form contained in Schedule C annexed to these rules.

(8) The Registrar shall send the original order to the society and a duplicate copy to the Comptroller for information.

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(9) Payment of any advance sanctioned shall be made to the persons authorised to receive the advance on behalf of the society on their producing the Registrar's order at the treasury named therein and executing an agreement in duplicate in the form contained in Schedule D annexed to these rules.

Payment of advance.

(10) When payment of an advance has been made, the original agreement shall be sent to the District Treasury for safe custody and the copy forwarded to the Registrar.

(11) The Registrar may, if sufficient cause is shown and if all interest due has been paid, suspend the repayment of any instalment.

Power to suspend repayment of instalments.

(12) Whenever the Registrar makes an order of suspension, he shall forthwith send a copy thereof to the Deputy Commissioner of the District and to the Comptroller.

(13) When an order of suspension is made in respect of any instalment, the repayment of that instalment and of all subsequent instalments shall be postponed for one instalment period.

(14) If any instalment due from any society is not fully repaid on the due date, interest at 6 per cent per annum to the date of repayment shall be recoverable on the amount overdue, unless the Registrar by special order exempts the society from this liability. Such orders are to be formally reported for the approval of the Government.

Procedure where instalment not repaid on due date.

(15) The Deputy Commissioner to whom instalments are repayable shall give prompt notice to the Registrar of default in repayment of any instalment.

(16) If, at the end of two years after the loan is issued, the society has not raised a paid-up share capital of half the amount of the loan, so much of the loan as exceeds twice the paid-up share capital of the society shall be repaid to the Government immediately thereafter, irrespective of other conditions.

47. Every Credit, Consumers' or Marketing Society with limited liability and a working capital of not less than rupees one lakh and every Land Mortgage Society which has loans outstanding from its members to the extent of

Appointment of Secretary.

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not less than rupees two lakhs shall appoint a paid Secretary. Such appointment shall be subject to the approval of the Registrar:

Provided that a mortgage society or any other society which has a paid Secretary shall not dispense with his services except with the sanction of the Registrar.

Term of office of member of committee who is a representative of another society.

48. A representative of one society sitting on the committee of another society shall cease to be a member of such committee—.

(*a*) if he ceases to be a member of the society which elected him as its representative; or

(*b*) if the society which elected him as its representative withdraws him or elects another representative in his stead; or

(*c*) in case he was elected as a representative by a society, on the supersession of the committee of such society under Section 44 of the Act, provided that, the person or persons appointed under the said section shall have power to nominate himself or one among them or any member of the society, to the committee of another society; or

(*d*) if the registration of the society of which he is the representative is cancelled.

49. Sales in consumers' societies and consumer sections of other societies shall ordinarily be for cash and credit sales may be permitted by the Registrar of Co-operative Societies in special circumstances up to 75 per cent of the share capital paid-up by the members.

50. Service conditions of employees of co-operative societies:—

(1) *Appointment.*—Subject to the budget allotment sanctioned by the general body, the managing committee shall prescribe from time to time the strength of the establishment of the society and the scale of pay admissible to each member thereof.

(2) The members of the establishment shall be appointed by the managing committee.

(3) *Qualifications.*—No person shall be eligible for appointment to the posts mentioned below unless

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he possesses the qualification specified against them :—

A. Secretary, Assistant Secretary or Manager.—

(*a*) Degree of B.A. or B.Com. or B.Sc., L.Com. and D.Com., or degree of any recognised University in the case of societies having a working capital of rupees one lakh or more and S.S.L.C. (completed or eligible for admission to University or Government service) in others ; and

(*b*) a pass in the Government Technical Examinations in Book-keeping, Banking, Co-operation and Auditing or the examination in these subjects held by the Mysore Co-operative Institute, provided that a person who has taken the B.Com. degree shall be exempted from passing these examinations.

B. Accountants, Clerks, Ledger-keepers, Sales Clerks and Shroffs.—(*a*) S.S.L.C. (completed or eligible for College Course or Public Service), and

(*b*) a pass in the examinations in Book-keeping, Banking, Co-operation and Auditing held by the Government or the Mysore Co-operative Institute.

N.B.—No person who has been permanently employed before these rules come into force shall be required to acquire the qualifications pertaining to his post.

(4) No appointment by direct recruitment shall be made except by calling for applications from eligible candidates by notifying the same : provided that, this restriction shall not apply to the appointment of an officer whose services have been lent by the Government.

(5) *Age limit for entry into service.*—No person who has attained the age of 30 years shall be appointed to the service of the society : provided that, this restriction shall not apply to a person who is already employed in another co-operative society and had joined service therein before he attained the age of 30 years.

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(6) *Age of retirement.*—No employee shall ordinarily be continued in the service of the society if he has attained 60 years of age.

(7) *Period of probation.*—A person appointed to any post in the societies service shall be on probation for a period of one year, on the completion of which period, he shall be confirmed in the post, if his work and conduct have been satisfactory. The managing committee may terminate the services of an employee during the period of probation, if his work and conduct are not satisfactory.

(8) *Leave.*—Every employee of the society shall be eligible for ten days casual leave in a year and one month's privilege leave for every eleven months of duty : provided that not more than two months' such leave shall accrue to a person at any time and provided further no employee shall claim leave as a matter of right at any time.

(9) The Secretary shall be the authority competent to sanction casual leave to the other employees of the society ; and the President shall be the authority competent to sanction casual leave to the Secretary and privilege leave to all the employees including the Secretary.

(10) *Provident Fund.*—Every employee of the society who has been confirmed in his post shall be required to contribute to the Employees' Provident Fund of the society in accordance with the rules framed by the managing committee for the purpose.

(11) *Gratuity.*—When an employee who has put in at least ten years satisfactory service is retired from service, or if he dies while in service, the managing committee, may, with the approval of the general body, grant to him or to his heirs, as the case may be, a gratuity not exceeding one month's pay for every year of service.

(12) *Service Register.*—The society shall maintain a record of the services of every employee as also the leave availed of by him from time to time. All changes affecting the rank, emoluments, transfers from one branch to another and other allied matters, shall be recorded in this register

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and attested by the President of the society in the case of the Secretary and by the Secretary in the case of the other employees.

(13) *Use of official Information.*—No employee shall, except when generally or specially empowered or permitted by the managing committee, communicate directly or indirectly to any other person or institution or to the Press, any document or information, which has come into his possession in the course of his official duties, or has been prepared and collected by him in the course of such duties, whether from official sources or otherwise.

(14) *Pecuniary Relation.*—No employee shall have pecuniary transactions with individuals or institutions coming in contact with him in the course of his official duties or accept directly or indirectly either on his own behalf or on behalf of any other person any gift, gratuity or reward from any person with whom he may have to deal in his official capacity : provided that this rule shall not apply to the borrowings by an employee on the security of his deposits, savings, insurance policy, etc., from other institutions.

(15) *Employee and Elections.*—No employee of the society shall canvass or otherwise use his influence in any election of the members to the managing committee or other offices of the society.

(16) *Punishments.*—Any employee who contravenes the provisions of rules 13, 14 and 15 shall be liable for such punishment as the managing committee may determine.

(17) Any member of the establishment may for good and sufficient cause be punished. The Managing Committee shall be the authority competent to censure, fine, suspend, reduce, dismiss or withhold the increment of any employee of the society : provided that the Secretary shall be competent to censure or to impose a fine not exceeding Rs. 10 upon the other employees of the society.

(18) No kind of punishment except censure or fine not exceeding Rs. 10 shall be awarded to any employee unless he has been informed in writing of the

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grounds on which it is proposed to take action against him and he has been afforded a reasonable opportunity to defend himself.

(19) An appeal shall lie to the general body of the society by any member of the staff who has been fined in excess of Rs. 10.

51. Procedure to be followed by Registrar when directing amendment of bye-laws under section 14 of the Act.—

(1) Where, in the opinion of the Registrar, an amendment of the bye-laws of a co-operative society is necessary or desirable, he may record his reasons therefor and communicate the same to the society with a copy of the bye-laws as it will stand after amendment and ask the society to summon a general body meeting to pass the amendment within such time, which shall not be less than a month, as he may direct.

(2) If the general body does not accept the suggestion of the Registrar regarding the amendment and if the Registrar is still of opinion that the amendment is necessary, he may proceed in the matter in the manner laid down in sub-section (2) of Section 14 of the Act.

(3) Where no appeal is presented within two months from the date of making the order under sub-section (2) of section 14 of the Act, the amendment shall take effect on the expiry of that period.

(4) Where an appeal is presented within the said period of two months, the amendment shall not take effect until it is confirmed by Government.

52. The statement of accounts of the society to be proposed by the committee under section 20 (g) of the Act shall be in the following form:—

I. Statement of Receipts and Payments.

Receipts.	*Payments.*
1 (*a*) Admission and share fees.	1 Share capital refunded.
(*b*) Share capital.	2 Deposits repaid :
2 Deposits :	Fixed,
Fixed,	Current,
Current,	Drawing,
Drawing,	Savings Bank,
Savings Bank,	Provident Fund, etc.
Provident Fund, etc.	

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Receipts.	*Payments.*
3 Loans from Financing Bank or Government.	3 Loans repaid to Financing Bank or Government.
4 Loans recovered from members.	4 Interest paid on deposits.
5 Investment realised.	5 Interest paid to Financing Bank or Government.
6 Interest recovered on loans.	6 Loans issued to members.
7 Interest on investments.	7 Investments in Banks, etc.
8 Sale proceeds of stock-in-trade.	8 Cash purchase of stock-in-trade.
9 Other items (with details).	9 Credit purchase of stock paid.
10 Opening balance on hand.	10 Other items (with details).
	11 Closing balance on hand.
Total ...	Total ...

II. Trading and Profit and Loss Account.

1 Opening stock.	1 By sales (less returns inwards).
2 Purchases (less returns outwards).	2 Closing stock.
3 Trade charges— Cart-hire. Cooly, freight, etc.	
4 Gross profit from trade.	
Total ...	Total ...

1 Establishment charges.	1 By gross profit from trade.
2 Travelling allowance.	2 Interest on loans and investments (less refunds).
3 Other charges: Printing, Stationery, Contingencies.	3 Miscellaneous receipts (with details.)
4 Depreciation on buildings, furniture and fittings, and machinery, etc.	
5 Other items.	
6 Net profits.	
Total ...	Total ...

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III. Balance Sheet as on 30th June

Liabilities.	*Assets.*
Authorised share capital.	1 Cash and investments (with details).
Subscribed share capital.	2 Property:
1 Paid-up share capital.	Furniture and fittings, machinery, etc., at cost less depreciation to date.
2 Reserve fund (statutory).	3 Loans:
3 Other funds.	(*a*) Considered good.
4 Deposits:	(*b*) Considered bad and doubtful.
Fixed,	(*c*) Covered under suits and decrees.
Current,	(Directors' loans Rs. .....)
Drawing,	Overdues loans Rs. .....
Savings Bank,	4 Advances.
Provident Fund, etc.	5 Stock-in-trade (valued at cost price or market price whichever is less).
5 Loans from Financing Bank or Government.	6 Other items (with details).
6 Interest due.	
7 Management expenses due.	
8 Other liabilities (with details).	
9 Net profits	
Total ...	Total ...

Signature of Accountant. Signature of President. Signature of Secretary.

53. (1) The Management of the Mysore Central Co-operative Land Mortgage Bank, Ltd., shall vest in a Board of Directors consisting of the President and nineteen other members.

(2) (*a*) The President and one member of the Board shall be nominated by Government and they shall hold office till their successors are appointed. They need not be members of the Bank.

(*b*) Two members of the Board shall be representatives of debenture holders. These also need not be members of the Bank and shall be selected in the manner prescribed by the Government.

(*c*) Nine members of the Board shall be persons selected by representatives of affiliated Land Mortgage Societies attending the general meeting so as to ensure that Land Mortgage Societies in

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each of the nine Districts in the State shall be represented by one member of the Board.

(*d*) Six members of the Board shall be elected representatives of individual members; of these, four shall be persons residing in Bangalore City.

(*e*) The remaining one member shall be the representative of the ordinary co-operative societies which are members of the Bank.

(3) The members referred to in Rules 2 (*c*), (*d*) and (*e*) shall be elected annually by the respective groups of electors at the annual general meeting of the Bank:

Provided that no representative of Land Mortgage Society attending the general meeting shall be entitled to vote for more than one candidate from among the representatives of Land Mortgage Societies in any particular district.

(4) The election to the Board of Directors shall be conducted in accordance with Rule 37 of the Rules framed under the Mysore Co-operative Societies Act.

(5) Members of the Board of Directors other than the President and the members nominated under Rules 2 (*a*) and (*b*) shall hold office until their successors are appointed.

(6) If an affiliated Land Mortgage Society has served on the Board for one term, it shall not be eligible for election to the directorate during the next two succeeding years.

(7) Any casual vacancy occurring in the Board of Directors, except in the case of directors nominated by the Government, by death, resignation or any other cause shall be filled up for the unexpired term of the Board by appointment by the remaining members of the Board. Such appointment shall be made so as to ensure that the number of representatives, respectively, of the affiliated Land Mortgage Societies, of individuals and of the ordinary Co-operative Societies shall be in conformity with clause (2) above.

(8) The Chief Executive Officer of the Bank shall be the Secretary. He shall be responsible for the administration of the Bank, subject to the control of the President.

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He shall be a whole-time salaried officer and shall be appointed by the Board of Directors with the approval of Government. He shall not be a member of the Board.

(9) The Bank shall have a qualified Auditor on its staff for purpose of continuous internal audit and his appointment shall be subject to the approval of the Registrar.

Trustee.

54. (1) When any part of the capital of the Bank consists of loans raised by debentures issued by the Bank, there shall be a Trustee appointed by Government whose duty it shall be to see that the Bank fulfils its obligations to the debenture-holders.

(2) The Trustee may call upon the Bank to transfer to his name its rights in the mortgages on the security on which debentures are issued.

(3) The Trustee may also require the Bank to credit an account to be opened in his name in any other Bank, approved by him, all recoveries made from members of the Bank under the terms of their mortgages, whether through equated payments or on redemption or upon sale.

(4) The Trustee shall also have the following powers :—

(i) to invest or to require the Bank to invest the money at the credit of his account in his own name in any investment or deposit authorised by any law in force relating to the investment of trust funds and to vary such investments at his discretion ;

(ii) to require the Bank to redeem any or all of the debentures according to the bye-laws relating to redemption ;

(iii) to determine the method of redeeming any debentures before the expiry of the term for which they were issued ; and

(iv) to proceed against the Bank or the mortgagors whose mortgage deeds have been transferred to him or against both, in case of default of payment of moneys to the debenture-holders.

(5) The Trustee may, at any time, be replaced by another Trustee. A Trustee, so appointed shall have the same powers, authorities and discretions and shall, in all respects, act as if he had been originally appointed.

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55. (1) A Primary Land Mortgage Society may be constituted for a village or a group of villages.

Constitution and working of primary Land Mortgage Societies and the mutual rights and obligations of such societies and the Central Co-operative Land Mortgage Bank.

(2) The liability of the members of a Land Mortgage Society so registered shall be limited.

(3) Every Land Mortgage Society shall become a member of the Central Co-operative Land Mortgage Bank and be bound by the bye-laws of the Bank. It shall then be termed an "affiliated society".

(4) Subject to the bye-laws of the Central Co-operative Land Mortgage Bank, loans shall be sanctioned to an affiliated society on such society furnishing a list of its members who have applied for loans together with the records of investigation relating to the object for which the loans are required, the sufficiency of the security offered and other material particulars necessary for arriving at a decision and also on condition of its transferring to the Bank the mortgage deeds obtained by it from the borrowers:

Provided that it shall be open to the Bank to require such additional enquiry or information as may be necessary or to cause any supplementary investigation to be conducted.

(5) The rates of interests for long-term and short-term loans charged on loans granted through an affiliated society to its members shall be subject to the approval of the Registrar of Co-operative Societies and shall, in no case, exceed eight per cent per annum for long-term loans and nine per cent per annum for short-term loans.

(6) An affiliated society shall undertake to collect periodically all dues from its debtors towards principal and interest and remit it to the Bank.

(7) The working of an affiliated society shall be subject to supervision and periodical inspection by the Bank, which shall also have a right to have the accounts of the society audited once at least every year.

(8) Every affiliated society shall be bound—

(*a*) to administer its work in strict conformity with its bye-laws;

(*b*) to carry out carefully the rules drawn up for its guidance by the Bank and to submit to the Bank such statements of accounts and reports as may be required by the Bank; and

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(c) to take the sanction of the Bank before raising funds from any source other than the Bank.

56. Rules for the distraint, preservation and sale of standing crops on property mortgaged to co-operative societies.

(1) On receipt of an application from the Committee of a Bank under section 89 of the Mysore Co-operative Societies Act, for the recovery of any instalment or part thereof under a mortgage executed in favour of the Bank by distraint and sale of the produce of the mortgaged land including the standing crops thereon, the Registrar may, after satisfying himself that the instalment or any part of such instalment has remained unpaid for more than one month from the date on which it fell due, and that the application has been made within twelve months from the date on which the instalment fell due, pass an order for the distraint of a sufficient part of the produce of the mortgaged land including the standing crops thereon.

(2) On passing such an order, the Registrar shall send a requisition to the Deputy Commissioner of the District in which such land is situate to effect the distraint together with a copy of his order.

(3) On receipt of such a requisition from the Registrar, it shall be lawful for the Deputy Commissioner—

(a) to require that the crop growing on the mortgaged land shall not be reaped until a notice in writing has first been given to himself or to some other officer to be named by him in this behalf and such notice has been returned endorsed with an acknowledgment of its receipt;

(b) to direct that no such crops shall be removed from the land on which it has been reaped or from any place in which it may have been deposited without the written permission of himself or of some other officer as aforesaid;

(c) to arrange for the crops being reaped and deposited, when it is not done in time by any holder of the land and delay is likely to result in damage to the produce and to realise the cost of labour thereby incurred from the sale proceeds of the crop;

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(*d*) to cause watchmen to be placed over any such crop to prevent the unlawful reaping or removal of the same and to realise the amount required for the remuneration of the said watchmen.

(4) The Deputy Commissioner's orders under either clause (*a*) or (*b*) of the above rule shall be made known by service of a notice thereof on the holder or holders of the mortgaged land, by public or proclamation, by beat of drum in the village and by affixing a copy of the order in the chavadi or some other public building in the village in which the mortgaged land is situated.

(5) Any person who shall disobey any such order after the same has been so proclaimed or a notice thereof has been served upon him or who shall within the meaning of the Indian Penal Code abet the disobedience of any such order shall, on conviction after summary enquiry by the Deputy Commissioner, be liable to pay a fine not exceeding double the amount for which it had been attached.

(6) If, within two months after the crop has been deposited, the amount due together with costs has not been paid, the Deputy Commissioner shall proceed to realise it by sale of such portion of the crop as is necessary, provided that the limit of two months shall not apply to articles of a perishable nature, which shall be sold immediately.

(7) When the sale of the distrained produce is ordered, the Deputy Commissioner shall issue a proclamation in Kannada of the intended sale, specifying the amount due, the time and place of sale and whether the sale is subject to confirmation or not. Such proclamation shall be made by beat of *tom tom* in the village in which the property is seized.

(8) A written notice of the intended sale shall be affixed in the Amildar's or the Deputy Amildar's Office and in the chavadi or other public building in the village in which the produce was seized.

(9) Sales shall be made by auction by such persons as Deputy Commissioner may direct. No such sale shall take place on a general holiday recognised by Government or until the expiration of at least seven days from the latest date on which the notice shall have been affixed as required by the last preceding rule.

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(10) The sale may from time to time be postponed for any sufficient reason.

(11) If the defaulter or any person, on his behalf, pays the instalment due together with such other charges legally due by him before the property is knocked down, to the officer appointed to conduct the sale or if he furnishes adequate security, the sale shall be stayed.

(12) Sale of perishable articles shall be finally concluded by the officer conducting such sales. All other sales finally concluded by the officer conducting the sales shall be subject to confirmation of such officer, as may be directed in the orders to be made by the Deputy Commissioner.

(13) When the sale of any movable property is finally concluded by the officer conducting the same, the price of every lot shall be paid for at the time of sale or as soon after as the said officer shall direct and in default of such payment, the property shall forthwith be again put up and sold. On payment of the purchase money, the officer holding the sale shall grant a receipt for the same and the sale shall become absolute as against all persons whomsoever.

(14) When the sale of any movable property is subject to confirmation, the party who is declared to be the purchaser shall be required to deposit immediately 25 per cent of the amount of his bid and in default of such deposit, the property shall forthwith be again put up and sold. The full amount of the purchase money shall be paid by the purchaser before sunset of the day after he is informed of the sale having been confirmed or if the said day be an authorised holiday, then before sunset of the first office day after such day. On payment of such full amount of the purchase money, the purchaser shall be granted a receipt for the same and the sale shall become absolute against all persons whomsoever.

(15) In default of payment, within the prescribed period of the full amount of purchase money, the deposit after defraying thereout the expenses of the sale shall, at the discretion of the Deputy Commissioner, be liable to be forfeited to Government either wholly or in part and the property shall be resold and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

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(16) If the proceeds of the resale, which is held by reason of the purchaser's default, be less than the price bid by such defaulting purchaser the difference shall be recoverable from him by the Deputy Commissioner as an arrear of land revenue.

(17) Every resale of property in default of payment of the purchase money or after the postponement of the first sale, shall, except when such resale takes place forthwith, be made after the issue of a fresh notice in the manner prescribed for original sales.

(18) Where the sale of any property is not confirmed or is set aside, the purchaser shall be entitled to receive back his deposit or his purchase money as the case may be.

(19) When any sale becomes absolute, the proceeds shall be credited to the Taluk Treasury to the account of the creditor Bank and the fact intimated to it or the amount due shall be remitted by a Remittance Transfer Receipt after defraying the expenses of watch and sale.

(20) If any claim be set by a third person to movable property attached under these provisions, the Deputy Commissioner shall admit or reject his claim on a summary inquiry held after reasonable notice. If the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds disposable as aforesaid.

57. Every summons issued under section 81 of the Act shall be in writing and shall be authenticated by the signature and the seal, if any, of the officer or person by whom it was issued.

(1) It shall require the person summoned to appear before the said officer or person at a stated time and place and shall specify whether his attendance is required for the purpose of giving evidence, or to produce a document, or for both purposes; and any particular document the production of which is required shall be described in the summons with reasonable accuracy.

(2) Any person summoned merely to produce a document shall be deemed to have complied with the summons, if he causes such document to be produced instead of attending personally to produce the same.

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(3) Where the person whose attendance is required is a public officer, or is the servant of a railway company or local authority, the officer or person issuing summons may, if it appears to him, that the summons may be most conveniently so served, send it by registered post prepaid for acknowledgment, for service on the person whose attendance is required, to the head of the office in which he is employed together with a copy to be retained by that person.

(4) When the person whose evidence is required is unable, from sickness or infirmity, to attend before the officer or person issuing the summons, or is a person who by reason of rank or sex it may not be proper to summon, the officer or person issuing the summons may, of his own motion or on the application of the person whose evidence is required, dispense with his appearance, and examine him at his place of abode or business or cause him to be so examined, by a person specially deputed by him for the purpose.

(5) No copy of a document or of an entry therein taken under sub-section (3) of section 29-A of the Act shall be admissible in evidence unless it contains a certificate in the following form :—

"I certify that the above is a true copy of the/true copy of an entry or/entries in the and that I have compared the above copy with the original entry or entries in the/and found it/them to be correct."

Signature of the officer or person empowered under sub-section (1) of section 29-A of the Mysore Co-operative Societies Act.

(6) A party who desires the attendance of a person either to give evidence or produce a document shall deposit with the officer or person issuing the summons in cash—

(i) process fees in accordance with the scale fixed by the Registrar of Co-operative Societies, and

(ii) allowances payable to the person whose attendance is desired for appearing before the officer or person issuing the summons, in accordance with the scale fixed by the Registrar of Co-operative Societies.

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If the party required to make such deposit fails to do so within 15 days from the date of the order requiring him to make the deposit, the officer or person empowered to issue the summons may drop further action.

R.C.S. 53]

SCHEDULE A 1022

Form of Application for Registration of Co-operative Societies.

1. Name of the Society.

2. Address to be registered.

3. State whether liability of members is limited or unlimited.

4. Application to register a Society under the above name is made by the persons* whose names are subscribed hereunder.

5. The matters required by Rules 6 and 13 to be set forth in the bye-laws are provided for in the following manner, *viz.*—

Reference	Serial numbers of bye-laws in which corresponding provision is made
Rule 6 (1) clause (*a*) ...	
" " (*b*) ...	
" (*c*) ...	
" " (*d*) ...	
" " (*e*) ...	
" " (*f*) ...	
" " (*g*) ...	
" " (*h*) ...	
" " (*i*) ...	
Rule 13	

*Ten or more.

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6. With this application are sent two copies of the proposed bye-laws signed by each of the applicants, and a statement (see Appendix I) showing name, age, profession and place of residence of each subscriber.

Signatures (1)

(2)

(3)

(4)

(5)

(6)

(7)

(8)

(9)

(10)

(11)

(12)

(13)

(14)

(15)

Dated.....19

To

The Registrar of Co-operative Societies,
Bangalore.

APPENDIX I.

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Statement showing the particulars referred to in Paragraph 6 of Schedule A.

Name and father's name	Age	Tribe, class or caste	Profession	Place of residence (village, taluk and district)
(1) ...				
(2) ...				
(3) ...				
(4) ...				
(5) ...				
(6) ...				
(7) ...				
(8) ...				
(9) ...				
(10) ...				
(11) ...				
(12) ...				
(13) ...				
(14) ...				
(15) ...				

SCHEDULE B.

1025

Application for Advance from the Government.

1. We, the undersigned, being duly empowered in this behalf by the committee of*..... Co-operative Society, Ltd., Unlimited, apply for an advance of Rs..... (in words) ....., from the Government, to be paid at the.....Treasury.

2. The amount of capital raised as shares, or as deposits received from members, is Rs. (in words).....

3. We request that the advance may be made repayable at the District Treasury.....in.....annual instalments, the date of payment in each year being.....

4. Particulars of the indebtedness of the society are as follows:

(a) Due to members on account of deposits..... rupees.

(b) The amount borrowed from other sources, and the interest payable on each amount borrowed are as under—

Amount borrowed	From whom	Rate of interest	Condition as to re-payment

5. We attach hereto a copy of the resolution of the General Body authorizing the taking of an advance from the Government and specifying the members of the committee who may, in conjunction with the secretary, receive the amount and enter into an agreement with the Government for its re-payment.

Signature of Secretary.....

Dated..... *Signature of three members.* 1.....

2.....

3.....

*If the bye-laws of the society do not empower the Committee to borrow money on behalf of the society these words should be deleted.

SCHEDULE C. 1026

Order sanctioning an advance by the Government.

Registrar's No.....

1. Sanction is accorded to the payment of an advance of Rs .....(in words) from the..... Treasury to the undermentioned society subject to the following conditions as to payment :—

Name of society.....

Registered address.....

Number of annual instalments of re-payment.....

Date on which each instalment is to be recovered.....

2. The date on which the society was registered in the..... .....and the advance is free of interest for two years from the date of drawing the loan from the Treasury and carries interest at.....per cent per annum thereafter.

3. The budget allotment for such advances in the year 195 is Rs.....The aggregate amount of advances hitherto sanctioned during the year is Rs.....

4. The persons recognized as authorised by the Society to enter into an agreement for re-payment of the advance are the Secretary and any three of the members of Committee named below :—

Name of Secre tary.....

Names of Members
(1).....
(2).....
(3).....
(4).....

Registrar of Co-operative Societies.

By Order of His Highness the Maharaja,

— A. S. KHALEEL,

Secretary to Government,
Local Self-Government Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION

No. L.D. 527—Legis. 5-52-35, Bangalore, dated 14th June 1952.

Ordered that Notification No. S.R.O. 766, dated the 22nd April 1952 of the Ministry of Finance—the Foreign Exchange Regulation Rules, 1952 published in the *Gazette of India*, Part II, Section 3, dated the 3rd May 1952, be republished in ths *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government.
Law Department.

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GOVERNMENT OF INDIA.

MINISTRY OF FINANCE.

(Department of Economic Affairs.)

New Delhi, the 22nd April, 1952.

Foreign Exchange Regulation Rules.

S.R.O. 766.—In exercise of the powers conferred by section 27 of the Foreign Exchange Regulation Act, 1947 (VII of 1947), the Central Government hereby makes the following Rules, namely :—

1. *Short title and commencement.*—(1) These rules may be called the Foreign Exchange Regulation Rules, 1952.

(2) They shall come into force at once.

2. *Definitions.*—In these rules, unless the context otherwise requires—

(*a*) "Schedule" means a schedule to these Rules; and

(*b*) "the Act" means the Foreign Exchange Regulation Act, 1947 (VII of 1947).

3. *Form of declarations.*—(1) A declaration under section 12 of the Act shall be in one of the forms set out in the First Schedule as the Reserve Bank may by notification in the *Gazette of India* specify as appropriate to the requirements of a case.

(2) Declarations shall be executed in sets of such number as indicated on the forms.

4. *Authority to whom declaration to be furnished.*—(1) The original of the declaration shall be furnished to the Collector of Customs; provided that when export is by post, the original of the declaration shall be furnished to the postal authorities.

(2) Copies of the declaration shall be submitted to the authorities and in the manner specified on the forms.

(3) The documents pertaining to every export passed by the Customs shall, within 21 days from the date of the export, be submitted to the authorised dealer mentioned on the relevant declaration form, unless the Reserve Bank, in its discretion, authorises otherwise.

5. *Evidence in support of declaration.*—(1) The Reserve Bank, or subject to such directions, if any, as may be given by the Reserve Bank, the Collector of Customs or the postal authorities, may, to satisfy themselves of due compliance with section 12 of the Act, require such evidence in support of the declaration as may satisfy them that the exporter is a person resident in India, or has a place of business in India.

(2) The Reserve Bank may require any exporter to produce such evidence in support of the declaration as may be in his possession or power to satisfy it

(i) that the destination stated on the declaration is the final place of destination of the goods exported; and

(ii) that the amount representing the full export value of the goods has been or will be paid to the exporter.

Explanation.—For the purposes of this rule, "final place of destination" means a place in a country in which the goods are ultimately imported and cleared through the Customs of that country.

6. *Period within which export value of goods is to be paid.*—The amount representing the full export value of goods exported shall be received from the

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country of final destination of the goods, unless permitted otherwise by the Reserve Bank in its discretion, and shall be paid to the exporter within six months from the date of shipment of the goods:

Provided that in the case of goods exported to Pakistan or Afghanistan, the amount representing the export value shall be received within three months from the date of export:

Provided further that the Reserve Bank, in its discretion, may, for sufficient and reasonable cause shown, extend the said period of six months or three months, as the case may be.

7. *Manner of Payment of export value of goods.*—The amount representing the full value of goods exported to the countries specified in the Second Schedule shall be paid through an authorised dealer and unless otherwise authorised by the Reserve Bank, shall be paid in the manner specified in the said Schedule.

FIRST SCHEDULE.

FORM G. R. I.

Original copy to be submitted to Customs.

FOR SHIPMENTS FROM INDIA ONLY.

(*All exports from parts in India must be declared on G. R. forms only.*)

EXCHANGE CONTROL.

Serial No..... Steamer .....
Shipping Bill No..... Port of
Rupee Value..... Shipment.....

This form does not apply for export to Pakistan and Afghanistan. For export to these countries form E.P. must be used.

(Declaration required from exporter before shipping commodities to countries outside India other than Nepal, Tibet, Bhutan and French and Portuguese territories in India.)

1. Exporter's Name
2. Country of destination of goods
3. Short description and quantity of goods
4. Invoice value of goods (stating currency)

(Shipping charges, insurance, etc., if not included in price) ——————

Total——————

5. Method by which payment is to be received in India.

(*a*) Goods invoiced in permitted foreign currency and payment received through a bank in India by

(i) negotiating or sending for collection bills and/or documents drawn in.

——————————————

(state currency)

(ii) remittance in——————————

(state foreign currency)

(*b*) Goods invoiced in rupees and payment received through a bank in India by

(i) negotiating or sending for collection bills and/or documents drawn in rupees ... ... ——

(ii) remittance in rupees ... ... ——

Strike out clauses not applicable.

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(c) Goods invoiced in sterling and payment received through a bank in India by negotiation of a sterling bill on London drawn under a credit either registered with the Bank of England on Form E. 2 under No.——————
(mention Bank of England No.)
or without such a registration providing for reimbursement by a sale of foreign currency or by transfer from the permitted sterling account in the United Kingdom.

(d) Goods invoiced in sterling and payment received through a bank in India by
negotiating bills
(i) ——————drawn in sterling
sending for collection shipping documents
on the country of destination of goods, payment to be received in sterling from the permitted sterling account in the United Kingdom... ——————
(ii) remittance in sterling the sterling being received from the permitted sterling account in the United Kingdom ... ... ——————

(e) Goods invoiced in sterling and payment received through a bank in India by
negotiating bills
——————drawn in
sending for collection shipping documents
sterling on——————
(mention name of sterling area country concerned)
a sterling area country other than the U.K. providing for reimbursement by transfer from the permitted sterling account in the United Kingdom ... ... ——————

I hereby declare that I am the seller/consignor of the goods in respect of which this declaration is made and that the particulars given above are true and

Strike out clause a or b) not applicable.

(a) that the invoice value declared is the full export value of the goods and is the same as that contracted with the buyer;

(b) that this is a fair valuation of the goods which are unsold.

I/my principals undertake that I/they will deliver to the bank mentioned below the foreign exchange/rupee proceeds resulting from the export of these goods on or before*——————.

—————— ——————

(Name and address of the bank in India through whom payment is to be received.) (Signature of exporter)

Address ——————

Date—————— ——————

Note.—All documents relating to export of goods from India must be passed through the medium of an authorised dealer in foreign exchange in India.

See page 2 of form for methods of finance permitted.

*Give approximate date of delivery which must be within six months of export.

NOTES TO EXPORTERS.

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The G. R. from procedure applies to exports to all countries excluding Pakistan, Afghanistan, Nepal, Tibet, Bhutan and French and Portuguese territories in India. The methods by which payments for exports to different countries may be received are stated below :—

Names of Countries	*Approved methods of finance*
A. The Belgian Monetary Area ; Canada. Egypt (including Gaza Strip) ; The French Franc Area (excluding the French possessions in India) ; The French Somali Coast ; The Portuguese Monetary Area (excluding Portuguese possessions in India) ; Switzerland and Liechtenstein ; The Dutch Monetary Area (excluding the Republic of Indonesia and Dutch New Guinea) ; Denmark (including Faroe Islands) and Greenland ; Norway and Sweden.	(*a*) The currency of the country of import or of any other country in the same monetary area. (*b*) Sterling from the account of a resident in the country of import or of any other country in the same monetary area. (*c*) Rupees from the account of a bank in the country of import or of any other country in the same monetary area.
B. U.S.A. and any territories under the Sovereignty of the U.S.A. ; Philippine Islands ; Bolivia ; Colombia : Costa Rica ; Cuba ; Dominican Republic ; Equador ; Guatemala ; Haiti ; Honduras ; Mexico ; Nicaragua ; Panama ; Salvador and Venezuela.	(*a*) U.S. dollars. (*b*) Sterling from the account of a resident in any country in the group. (*c*) Rupees form the account of a bank in any country in the group.
C. The Scheduled Territories, *i.e.*, The British Commonwealth (except Canada) ; the Irish Republic ; British Trust Territories ; British Protectorates and Protected States ; Burma ; Iraq : Iceland ; the Hashemite Kingdom of the Jordan ; Libya.	(*a*) Sterling or any sterling area currency other than Indian and Pakistan rupees from the account of a resident in any country in this group other than India and Pakistan, (*b*) Rupees from the account of a bank in any country in this group other than India and Pakistan.
D. All countries not mentioned in groups A, B and C above.	(*a*) Sterling from the account of a resident in the country of import. (*b*) Rupees from the account of a bank in the country of import.

Note.—(1) In all cases page 1 must be completed and submitted to the Customs in order to obtain necessary permission to ship the goods. In case of sterling Bills on London under credit, *i.e.*, under Section 5(*c*), and also under 5(*e*), pages 3, 5 and 7 must also be completed in the same way as page 1 and handed over to the authorised dealer in foreign exchange through whom the bill is negotiated.

(2) In all other cases, *i.e.*, where the method of obtaining payment for the goods is one of those laid down in Section 5(*a*), (*b*) or (*d*), pages 3 and 5 must be completed in the same way as page 1 and handed over to the authorised dealer in foreign exchange through whom payment for the shipment is being received.

FORM G. R. I. 1032

Duplicate copy together with a copy of shipper's invoice to be submitted to Reserve Bank through an authorised dealer in foreign exchange.

FOR SHIPMENTS FROM INDIA ONLY.

(*All exports from ports in India must be declared on G. R. forms only.*)

EXCHANGE CONTROL.

Serial No ..... Steamer .....
Shipping Bill No ..... Port of .....
Rupee Value ..... Shipment .....

This form does not apply for export to Pakistan and Afghanistan. For export to these countries form E.P. must be used.

(Declaration required from exporter before shipping commodities to countries outside India other than Nepal, Tibet, Bhutan and French and Portuguese territories in India.)

1. Exporter's Name
2. Country of destination of goods
3. Short description and quantity of goods
4. Invoice value of goods (stating currency)
   (Shipping charges, insurance, etc., if not included in price)————————
   Total————————
5. Method by which payment is to be received in India.

Strike out clauses not applicable.

(*a*) Goods invoiced in permitted foreign currency and payment received through a bank in India by

(i) negotiating or sending for collection bills and/or documents drawn in

————————————————————
(state currency)

(ii) remittance in————————————
(state foreign currency)

(*b*) Goods invoiced in rupees and payment received through a bank in India by

(i) negotiating or sending for collection bills and/or documents drawn in rupees ... ... ————

(ii) remittance in rupees ... ... ————

(*c*) Goods invoiced in sterling and payment received through a bank in India by negotiation of a sterling bill on London drawn under a credit either registered with the Bank of England on Form E. 2 under No————————
(Mention Bank of England No.)
or without such a registration providing for reimbursement by a sale of foreign currency or by transfer from the permitted sterling account in the United Kingdom. ... ... ————

(*d*) Goods invoiced in sterling, and payment received through a bank in India by
negotiating bills

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(i) _____ _____drawn in sending for collection sterling shipping documents on the country of destination of goods, payment to be received in sterling from the permitted sterling account in the United Kingdom ... ... _____

(ii) remittance in sterling, the sterling being received from the permitted sterling account in the United Kingdom ... ... _____

(e) Goods invoiced in sterling and payment received through a bank in India by negotiating bills _____ _____drawn in sending for collection shipping documents sterling on _____

(Mention name of sterling area country concerned.)

a erling area country other than the U.K. providing for reimbursement by transfer from the permitted sterling account in the United Kingdom ... ... _____

I hereby declare that I am the seller/consignor of the goods in respect of which this declaration is made and that the particulars given above are true and

Strike out clause (a or b) not applicable.

(a) that the invoice value declared is the full export value of the goods and is the same as that contracted with the buyer.

(b) that this is a fair valuation of the goods which are unsold.

I/My principals undertake that I/they will deliver to the bank mentioned below the foreign exchange/rupee proceeds resulting from the export of these goods on or before* _____

_____ _____

(Name and address of the bank in India through whom payment is to be received.) (Signature of exporter)

Address _____

Date _____

Note.—All documents relating to export of goods from India must be passed through the medium of an authorised dealer in foreign exchange in India.

See page 2 of form for methods of finance permitted.

*Give approximate date of delivery which must be within six months of export.

Strike out clause not applicable.

Certificate by authorised dealer in India through whom bills are negotiated or collected or through whom payment for goods is received.

We hereby certify that we have negotiated bills/received bills/shipping documents for collection to the value of.....as declared under Section 5 (a)/(b)/(c)/(d)/(e) and we undertake to see that proceeds are received by us on or before*.....in a manner approved by the Exchange Control or that an explanation is furnished to the Reserve Bank of India as to the reason for non-delivery.

or

We hereby certify that we have received.....in payment of the goods as declared under Section 5 (a)/(b)/(d)/(e).

(Signature of authorised dealer.)

* within six months. Date .....

NOTES TO BANKS. 1034

1. Pages 3 and 4 should be submitted to the Reserve Bank of India together with a copy of shipper's invoice immediately after the authorised dealer completes the certificate above.
2. On receipt of the proceeds of bills or consignment shipments under section 5 (*a*), (*e*) or (*d*) the authorised dealer will forward to the Reserve Bank of India the triplicate copy of this form with the appropriate certificate on the reverse of the copy duly completed. In respect of consignment shipments the account sales or other satisfactory documentary evidence in support of the proceeds actually realised should be forwarded along with the triplicate copy of the form. In the event of the proceeds not being received by the date stated an explanation must be furnished to the Reserve Bank of India quoting the number and date of this form.
3. In the case of bills drawn and negotiated for only part of the invoice amount the triplicate copy of the form should be retained by the authorised dealer until the full proceeds of the shipment have been received by him, except in cases where payment of the balance is being received by a different method, when separate G.R.I. forms for the balance stating the method by which payment is being made should be completed by the shipper.
4. In the case of bills drawn in sterling on London under credit (*i.e.*, Sec. 5 (*c*) pages 5/7 must be forwarded to London attached to the relative bills. In the case of sterling bills on London covering shipment to United Kingdom or countries within the scheduled territories (*i.e.*, the sterling area) pages 5/7 need not be sent to London but on receipt of advice of payment of bills from London, the authorised dealer should forward to the Reserve Bank of India the triplicate copy with the certificate under section 5 (*a*) duly completed.
5. In the case of shipments financed under method 5 (*e*) pages 5/7 must be forwarded to the sterling area correspondent attached to the relative bills.

Space for use by the Reserve Bank of India.

Month and year 9-12	Amount 36-42	A.D. 49-50	Country 52-54	Currency 55-56	Method of Finance 58	Term of Contract 60	Commodity 61-63

*Coded*_____ *Checked*_____ *Punched*_____ *Verified*_____

FORM G. R. I.

1035

Triplicate copy to be forwarded either to London with 1st of Exchange or to the Reserve Bank as the case may be through an authorised dealer in foreign exchange.

FOR SHIPMENTS FROM INDIA ONLY.

(*All exports from ports in India must be declared on G. R. forms only.*)

EXCHANGE CONTROL.

Serial No. .....Steamer.....
Shipping Bill No ....Port of Shipment.....
Rupee value.....

This form does not apply for export to Pakistan and Afghanistan. For export to these countries form E. P. must be used.

(Declaration required from exporter before shipping commodities to countries outside India other than Nepal, Tibet, Bhutan and French and Portuguese territories in India).

1. Exporter's Name ... ...
2. Country of destination of goods ... ...
3. Short description and quantity of goods ... ...
4. Invoice value of goods (stating currency) ... ...

(Shipping charges, insurance, etc., if not including in price ...

TOTAL ...

5. Method by which payment is to be received in India—

Strike out clauses not applicable.

(*a*) Goods invoiced in permitted foreign currency and payment received through a bank in India by—

(i) negotiating or sending for collection bills and/or documents drawn in _____ (state currency)

(ii) remittance in _____ (state foreign currency)

(*b*) Goods invoiced in rupees and payment received through a bank in India by—

(i) negotiating or sending for collection bills and/or documents drawn in rupees ...

(ii) remittance in rupees ... ...

(*c*) Goods invoiced in sterling and payment received through a bank in India by negotiation of a sterling bill on London drawn under a credit either registered with the Bank of England on Form E. 2 under No. _____ (mention Bank of England No.) or without such a registration providing for reimbursement by a sale of foreign currency or by transfer from the permitted sterling account in the United Kingdom ... ...

(*d*) Goods invoiced in sterling and payment received through a bank in India by—

(i) negotiating / sending for collection bills / shipping documents drawn in sterling on the country of destination of goods,

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payment to be received in sterling from the permitted sterling account in the United Kingdom ... ...———

(ii) remittance in sterling, the sterling being received from the permitted sterling account in the United Kingdom ... ...———

(*e*) Goods invoiced in sterling and payment received through a bank in India by

Negotiating / sending for collection ——— Bills / shipping documents ——— drawn in sterling on ———

(mention name of sterling area country concerned)

a sterling area country other than the U. K. providing for reimbursement by transfer from the permitted sterling account in the United Kingdom ...———

I hereby declare that I am the seller/consignor of the goods in respect of which this declaration is made and that the particulars given above are true and

Strike out clause (*a* or *b*) not applicable.

(*a*) that the invoice value declared is the full export value of the goods and is the same as that contracted with the buyer.

(*b*) that this is a fair valuation of the goods which are unsold.

I/My principals undertake that I/they will deliver to the bank mentioned below the foreign exchange/rupees proceeds resulting from the export of these goods on or before*———.

(Name and address of the bank in India through whom payment is to be received.) (Signature of exporter)

Date..... Address———

Note.—All documents relating to export of goods from India must be passed through the medium of an authorised dealer in foreign exchange in India.

See page 2 of form for methods of finance permitted.

*Give approximate date of delivery which must be within six months of export.

Strike out this portion when form is retained in India.

Certificate by bank in the United Kingdom receiving the proceeds of shipments by method (c) of section 5.

Amount and description of currency———

Sold to the Bank of England on———

or

Sold to———

(Name of authorised dealer)

on———for surrender to the Bank of England.

We confirm that the amount of foreign currency specified above was received by us and disposed of as stated.

or

We confirm that payment has been received by a cheque or draft for £———drawn on/or by a transfer from a———

(Insert name of Sterling A/c in the United Kingdom.)

Address.....

(On behalf of the Bank.)

Certificate by bank in a sterling area country other than the United Kingdom receiving the proceeds of shipments by method (e) of section 5.

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We confirm that £———————— was received by us on———————— from————————
(Insert name of account from which payment was received.)

Address———————— ————————
(On behalf of the Bank).

Strike out this portion when form is forwarded to London.

Certificate by authorised dealer in foreign exchange in India receiving full proceeds of shipments by method (a), (b) and (d) of Section 5.

†*Section 5 (a).*

We confirm that———————— was received by us
(state foreign currency)
on————————
(Date)

(i) by credit(s) to our account with our agent in ————
(ii) by a draft or T. T.

Section 5 (b).

We confirm that Rs. ———————— were received by us on———————— by

(i) a transfer from the rupee account in India of a bank in ————
————(State name of Country).

(ii) a remittance from London, the sterling with which the rupees were purchased being provided from a————
(state name of Sterling Account in the United Kingdom.)
or by a sale of ———————— to the London Control.
(State foreign currency)

(iii) sale to a bank in India of ————————
(State foreign currency).

Section 5 (d).

We confirm that £———————— was received by us on———————— * from a————————
(Name of the sterling A/c in the United Kingdom).

(i) by credit to our account with our Agents in London.
(ii) by a sterling draft or T. T.

Date———————— ————————
(Signature of authorised dealer).

†Authorised dealers should complete certificate under section 5 (*a*) in case of sterling bills on London covering shipments to U. K. or countries within the sterling area.

*Authorised dealers must request their London Agents when advising them that sterling payments have been made to their credit to state source from which they have been received to enable dealers to complete this declaration.

FORM G. R. I.

Quadruplicate copy to be forwarded to London with 2nd of exchange.

FOR SHIPMENTS FROM INDIA ONLY.

(*All exports from ports in India must be declared on G. R. forms only.*)

EXCHANGE CONTROL.

Serial No. ————————— Steamer————————
Shipping Bill No. ————————— Port of Shipment————————
Rupee Value ————————

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This form does not apply for export to Pakistan and Afghanistan. For export to these countries, form E. P. must be used.

(Declaration required from exporter before shipping commodities to countries outside India other than Nepal, Tibet, Bhutan and French and Portuguese territories in India.)

1. Exporter's Name ... ...
2. Country of destination of goods ... ...
3. Short description and quantity of goods ... ...
4. Invoice value of goods (stating currency) ... ...
   (Shipping charges, insurance, etc., if not included in price) ...

   Total ...

5. Method by which payment is to be received in India—

Strike out clauses not applicable.

(*a*) Goods invoiced in permitted foreign currency and payment received through a bank in India by—

(i) negotiating or sending for collection bills and/or documents drawn in——————————————
(state currency)

(ii) remittance in——————————————
(state foreign currency)

(*b*) Goods invoiced in rupees and payment received through a bank in India by

(i) negotiating or sending for collection bills and/or documents drawn in rupees ...

(ii) remittance in rupees ... ...

(*c*) Goods invoiced in sterling and payment received through a bank in India by negotiation of a sterling bill on London drawn under a credit either registered with the Bank of England on Form E. 2 under No. ——————
(Mention Bank of England No.)
or without such a registration providing for reimbursement by a sale of foreign currency or by transfer from the permitted sterling account in the United Kingdom ... ...

(*d*) Goods invoiced in sterling and payment received through a bank in India by—

(i) negotiating / sending for collection ——————— bills / shipping documents ——————— drawn in sterling on the country of destination of goods, payment to be received in sterling from the permitted sterling account in the United Kingdom ...

(ii) remittance in sterling the sterling being received from the permitted sterling account in the United Kingdom ... ...

(*e*) Goods invoiced in sterling and payment received through a bank in India by

negotiating / sending for collection ——————— bills / shipping documents ——————— drawn in sterling on——————————————
(Mention name of sterling area country concerned) a sterling area country other than the U.K. providing for reimbursement by transfer from the permitted sterling account in the United Kingdom ...

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I hereby declare that I am the seller/consignor of the goods in respect of which this declaration is made and that the particulars given above are true and

Strike out clause (a or b) not applicable.

(*a*) that the invoice value declared is the full export value of the goods and is the same as that contracted with the buyer.

(*b*) that this is a fair valuation of the goods which are unsold.

I/My principals undertake that I/they will deliver to the bank mentioned below the foreign exchange/rupee proceeds resulting from the export of these goods on or before* ——————————

——————————

(Name and address of the bank in India through whom payment is to be received.)

(Signature of exporter)

Address ——————————

Date ——————————

Note.—All documents relating to export of goods from India must be passed through the medium of an authorised dealer in foreign exchange in India. See page 2 of form for methods of finance permitted.

*Give approximate date of delivery which must be within six months of export.

Strike out this portion when form is retained in India.

Certificate by bank in the United Kingdom receiving the proceeds of shipments by method (c) of section 5.

Amount and description of currency ——————————

Sold to the Bank of England on ——————————

or

Sold to ——————————

(Name of authorised dealer)

on ——————————for surrender to the Bank of England.

We confirm that the amount of foreign currency specified above was received by us and disposed of as stated.

We confirm that payment has been received by a cheque or draft for £——————drawn on/or by a transfer from a ——————

(Insert name of sterling A/c in the United Kingdom)

Address ——————————

(On behalf of the Bank)

Certificate by bank in a sterling area country other than the United Kingdom receiving the proceeds of shipments by method (e) of section 5.

We confirm that £——————was received by us on ——————from ——————

(Insert name of account from which payment was received)

Address ——————————

(On behalf of the Bank)

FORM G. R. 2.

(Original copy to be submitted to Customs.)

FOR SHIPMENTS FROM INDIA ONLY.

EXCHANGE CONTROL.

Serial No. ——————————

Shipping Bill No. ——————————

Rupee Value ——————————

Steamer ——————————

Port of Shipment ——————————

See notes on page 2.

(Declaration required from exporter who is shipping commodities from a port in the Indian Union to the countries specified on reverse

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under undertaking to the Bank of England to deliver foreign currency or obtain payment from an approved Sterling Account in London)

1. Exporter's Name
2. Country of destination of goods
3. Short description and quantity of goods
4. Invoice value of goods (Stating currency) (Shipping charges, insurance, etc., if not included in price) _____

Total _____

5. Approximate date on which foreign exchange will be delivered, or payment will be obtained _____
6. Method of payment: Under *guarantee by _____ to the Bank of England to (i) deliver the relative foreign currency or (ii) obtain payment from a _____ (Insert Name of sterling a/c in London)

*Strike out (i) or (ii).

We hereby declare that we are the sellers of the goods in respect of which this declaration is made, that the particulars therein are true and correct, that the invoice value is to the best of our knowledge based on the full value as contracted with buyers and that our London agents have undertaken to surrender to the Bank of England a certificate from an authorised dealer in exchange in London showing that—

(i) the full value of the shipment has been received from an approved Sterling Account in London

or

(ii) the full value of the shipment has been surrendered to such authorised dealer in the appropriate foreign currency.

_____
(Signature of Seller)

Date_____ Address_____

Note.—This form does not apply to export of commodities to the United Kingdom and to countries within the sterling area.

NOTES TO EXPORTERS COMPLETING FORM G. R. 2.

Names of Countries.	*Approved method of finance.*
A. The Belgian Monetary Area, Canada and Newfoundland, Egypt (including Gaza strip), The French Franc Area (excluding the French possessions in India), The French Somali Coast,	Guarantee to deliver the currency of the country of import or of any other country in the same monetary area

The Portuguese Monetary Area (excluding Portuguese possessions in India), Switzerland and Liechtenstein, The Duch Monetary Area (excluding the Republic of Indonesia and Dutch New Guinea, Denmark (including Faroe Islands) and Greenland, Norway and Sweden.	or. 1041 to obtain payment in sterling from the account of a resident in the country of import or any other country in the same monetary area.
B. U.S.A. and any territories under the sovereignty of the U.S.A., Philippine Islands, Bolivia, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Gautemala, Haiti, Honduras, Mexico, Nicargua, Panama, Salvador and Venezuela.	Guarantee to deliver U.S. dollars or to obtain payment in sterling from the account of a resident in any country in the group.
C. All countries not mentioned in groups A and B above other than Scheduled Territories.	Guarantee to obtain payment in sterling from the account of a resident in the country of import.

Note.—(1) In all cases page 1 must be completed and submitted to the Customs in order to obtain necessary permission to ship the goods.

(2) Where sterling bills are drawn on London against the shipments pages 3, 5 and 7 must also be completed in the same way as page 1 and handed over to the authorised dealer in foreign exchange through whom the bills are negotiated.

(3) In cases where no bills are drawn but the usual practice of the exporter is to send shipping documents direct to his London Overseas Agents, the following procedure should be adopted :

Page 3 must be completed and submitted to the Reserve Bank of India together with a copy of the invoice along with the monthly statement of their account with their London Office. Pages 5 and 7 must be similarly completed and the respective copies forwarded to the London Agents of the exporter by separate mails in order that the London Agents may be in a position to arrange for the certificate on the reverse of the form to be completed and duly submitted.

FORM G. R. 2.

Duplicate copy together with a copy of shipper's invoice to be submitted to Reserve Bank either direct along with monthly statement or through an authorised dealer in foreign exchange.

FOR SHIPMENTS FROM INDIA ONLY.

EXCHANGE CONTROL.

Serial No.———————— Steamer————————

Shipping Bill No.———————— Port of————————

Rupee Value———————— Shipment————————

See notes on page 2.

(Declaration required from exporter who is shipping commodities from a port in the Indian Union to the countries specified on reverse under undertaking to the Bank of England to deliver foreign currency or obtain payment from an approved Sterling Account in London)

1. Exporter's Name
2. Country of destination of goods
3. Short description and quantity of goods

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4. Invoice value of goods (stating currency) (Shipping charges, insurance etc., if not included in price) ...

Total ...

5. Approximate date on which foreign exchange will be delivered or payment will be obtained ...

*Strike out (i) or (ii).

6. Method of payment: Under *guarantee by ...

to the Bank of England to
(i) deliver the relative foreign currency
or
(ii) obtain payment from a
(Insert Name of sterling a/c in London)

We hereby declare that we are the sellers of the goods in respect of which this declaration is made, that the particulars therein are true and correct, that the invoice value is to the best of our knowledge based on the full value as contracted with buyers and that our London agents have undertaken to surrender to the Bank of England a certificate from an authorised dealer in exchange in London showing that

(i) the full value of the shipment has been received from an approved Sterling Account in London

or

(ii) the full value of the shipment has been surrendered to such authorised dealer in the appropriate foreign currency.

(Signature of Seller)

Date

Address

Note.—This form does not apply to export of commodities to the United Kingdom and to countries within the sterling area.

**Certificate by authorised dealer in foreign exchange in the Dominion of India through whom bills are negotiated in cases where sterling bills are drawn on London against the shipments.*

We hereby certify that we negotiated bills to the value of £ against he shipment specified on page 3 of this form.

(Signature of authorised dealer)

Date

*This certificate must not be furnished if bills are not drawn against shipments.

FORM G. R. 2.

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Triplicate copy to be forwarded to London either attached to the first of Exchange if bills are drawn or direct if no bills are drawn.

FOR SHIPMENTS FROM INDIA ONLY.

EXCHANGE CONTROL.

Serial No.———————— Steamer————————
Shipping Bill No.———————— Port of
Rupee Value———————— Shipment————————

See notes on page 2.

(Declaration required from exporter who is shipping commoditiee from a port in the Indian Union to the countries specified on reverss under undertaking to the Bank of England to deliver foreign currency or obtain payment from an approved Sterling Account in London.)

1. Exporter's Name
2. Country of destination of goods
3. Short description and quantity of goods
4. Invoice value of goods (stating currency)————————
   (Shipping charges, insurance etc., if not included in price)
   ————————
   Total ————————
5. Approximate date on which foreign exchange will be delivered, or payment will be obtained ————————
6. Method of payment: Under *guarantee ————————
   by ————————

*Strike out (i) or (ii)

to the Bank of England to
(*i*) deliver the relative foreign currency
or
(*ii*) obtain payment from a————————
(Insert Name of sterling a/c in London)

We hereby declare that we are the sellers of the goods in respect of which this declaration is made, that the particulars therein are true and correct, that the invoice value is to the best of our knowledge based on the full value as contracted with buyers and that our London agents have undertaken to surrender to the Bank of England a certificate from an authorised dealer in exchange in London showing that

(*i*) the full value of the shipment has been received from an approved Sterling Account in London

or

(*ii*) the full value of the shipment has been surrendered to such authorised dealer in the appropriate foreign currency.

————————
(Signature of Seller)

Date————————
Address————————
————————

Note.—This form does not apply to export of commodities to the United Kingdom and to countries within the sterling area.

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Certificate by bank in the United Kingdom receiving the proceeds of shipment :—

Amount and description of currency——————————————

Sold to the Bank of England on——————————————

or

Sold to——————————————

(Name of Authorised dealer)

on——————————————for surrender to the Bank of England.

We confirm that the amount of currency specified above was received by us and disposed of as stated.

or

We confirm that payment has been received by a cheque drawn on (or a draft reimbursable from) a——————————————

(Insert name of Sterling Account in London)

——————————————

(on behalf of the Bank)

Address——————————————

FORM G.R. 2

Quadruplicate copy to be forwarded to London either attached to the 2nd of Exchange if bills are drawn or direct if no bills are drawn.

FOR SHIPMENTS FROM INDIA ONLY

EXCHANGE CONTROL

Serial No.—————— Steamer——————

Shipping Bill No.——————

Rupee Value—————— Port of Shipment——————

*See notes on page 728

(Declaration required from exporter who is shipping commodities from a port in the Indian Union to the countries specified on reverse under undertaking to the Bank of England to deliver foreign currency or obtain payment from an approved Sterling Account in London)

1. Exporter's Name
2. Country of destination of goods
3. Short description and quantity of goods
4. Invoice value of goods (stating currency) (Shipping charges, insurance etc., if not included in price) ——————

Total ——————

5. Approximate date on which foreign exchange will be delivered, or payment will be obtained ——————

*Strike out (i) or (ii)

6. Method of payment: Under *guarantee by ——————

——————

to the Bank of England to (*i*) deliver the relative foreign currency

or

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(*ii*) obtain payment from a——————————
(Insert Name of sterling a/c in London)

We hereby declare that we are the sellers of the goods in respect of which this declaration is made, that the particulars therein are true and correct, that the invoice value is to the best of our knowledge based on the full value as contracted with buyers and that our London agents have undertaken to surrender to the Bank of England a certificate from an authorised dealer in exchange in London showing that

(*i*) the full value of the shipment has been received from an approved Sterling Account in London.

or

(*ii*) the full value of the shipment has been surrendered to such authorised dealer in the appropriate foreign currency.

——————————
(Signature of Seller)
Date——————— Address——————

Note.—This form does not apply to export of commodities to the United Kingdom and to countries within the sterling area.

Certificate by bank in the United Kingdom receiving the proceeds of shipment :—

Amount and description of currency——————————
Sold to the Bank of England on——————————

or

Sold to——————————
(Name of Authorised dealer)
on——————————for surrender to the Bank of England.

We confirm that the amount of currency specified above was received by us and disposed of as stated.

or

We confirm that payment has been received by a cheque drawn on (or a draft reimbursable from) a——————————
(Insert name of Sterling Account in London)

——————————
(On behalf of the Bank)
Address——————

FORM G.R. 3

Original Copy to be submitted to Customs

INDIA

EXCHANGE CONTROL

Serial No.——————— Steamer——————
Shipping Bill No.——————— Port of
Rupee Value——————— Shipment——————

Declaration required from exporter before shipping commodities outside India.

1. Exporter's Name.
2. Country of destination of goods.

3. Short description and quantity of goods.
4. Invoice value of goods (stating currency) _____
(Shipping charges, insurance etc., if not included in price)

Total _____

Method by which payment is to be realised :—

We hereby declare that the invoice value herein stated represents the full export value of the goods and that the amount will be disposed of in a manner and within a period specified by the Reserve Bank.

_____
Signature of Exporter.
*G.R. 3 Licence No.——Date——
Address——

Date——

**Note.*—This form can only be used under special licence from the Reserve Bank.

FORM G.R. 3

Duplicate copy to be submitted to the Reserve Bank

INDIA

EXCHANGE CONTROL

Serial No.——
Shipping Bill No.——
Rupee Value——

Steamer——
Port of Shipment——

Declaration required from exporter before shipping commodities outside India.

1. Exporter's Name.
2. Country of destination of goods.
3. Short description and quantity of goods.
4. Invoice value of goods (stating currency) _____
(Shipping charges, insurance etc., if not included in price).

Total _____

Method by which payment is to be realised :—

We hereby declare that the invoice value herein stated represents the full export value of the goods and that the amount will be disposed of in a manner and within a period specified by the Reserve Bank.

_____
Signature of Exporter.
*G.R. 3 Licence No.——Date——
Address——

Date ——

**Note.*—This form can only be used under special licence from the Reserve Bank.

FORM G.R. 3

Triplicate copy to be forwarded to the Reserve Bank.

INDIA

EXCHANGE CONTROL

Serial No.——
Shipping Bill No.——
Rupee Value——

Steamer——
Port of Shipment——

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Declaration required from exporter before shipping commodities outside India.

1. Exporter's Name
2. Country of destination of goods
3. Short description and quantity of goods
4. Invoice value of goods (stating currency) _____
   (Shipping charges, insurance etc., if not included in price).

Total _____

Method by which payment is to be realised :—

We hereby declare that the invoice value herein stated represents the full export value of the goods and that the amount will be disposed of in a manner and within a period specified by the Reserve Bank.

_____

Signature of Exporter.
*G.R. 3 Licence No.——Date——
Address——

Date——

I/We confirm that——was
(Sate currency and amount received)
received by us on——

(*i*) by credit to our account with our agents in——
(*ii*) by a banker's draft or T.T.
(Banker's payment advice should be attached).

_____
(Signature of Exporter)

**Note*—This form can only be used under special licence from the Reserve Bank

FORM G. R. X.

Original copy to be submitted to customs.

FOR SHIPMENTS FROM PORTS IN INDIA ONLY.

EXCHANGE CONTROL.

Serial No..... Steamer.....
Shipping Bill No.....
Rupee Value..... Port of Shipment.....

(*Declaration required from exporter before shipping commodities to such countries as may be notified from time to time*).

1. Exporter's Name
2. Country of destination of goods
3. Short description and quantity of goods
4. Invoice value of goods (stating currency) ... ...
   (Shipping charges, insurance, etc., if not included in price)
5. *Method by which payment is received in India* : Total ...

(*a*) *Goods invoiced in currency of country of import or U.S. dollars* and
(*i*) Payment to be received through a bank in India by negotiating bills and/or documents drawn in the appropriate foreign currency or U.S. dollars under an irrevocable confirmed credit opened by the foreign importer ... ...

(*ii*) Payment already received through a bank in India by a remittance of the appropriate foreign currency or U.S. dollars _____

(*b*) *Goods invoiced in rupees*

(*i*) Payment to be received through a bank in India by negotiating bills and/or documents drawn under an irrevocable confirmed credit opened by the foreign importer ... _____

(*ii*) Payment already received through a bank in India by a remittance from the foreign importer ... ... _____

(*c*) *Goods invoiced in sterling* and

(*i*) Payment to be received through a bank in India by negotiating bills and/or documents drawn under an irrevocable confirmed credit opened direct or through London by the foreign importer ... ...

(*ii*) Payment already received through a bank in India by a remittance from the foreign importer ... ... _____

I hereby declare that I am the seller/consignor of the goods in respect of which this declaration is made and that the particulars given above are true, and

Strike out clause not applicable.

(*a*) that the invoice value declared is the full value as contracted with the buyer.

*Give approximate date of delivery which must be within six months of export.

(*b*) that this is a fair valuation of the goods which are unsold and I/my principals undertake that I/they will deliver to the bank mentioned below the foreign exchange/rupee proceeds resulting from the export of these goods on or before* _____

(Signature of Exporter).

Address _____

Name and address of bank in India through whom payment is to be received.

Date _____ _____

I/We hereby confirm that

(*a*) an irrevocable confirmed credit No.....for..... expiring on.....has been opened as stated in Section 5 covering the shipment described above;

(*b*) a remittance for _____ has been received on _____ and has been allocated against the shipment described above,

(*i*) in.....as stated in Section 5 (*a*) (*ii*),
(State currency)

Strike out clause not applicable.

(*ii*) in rupees as stated in Section 5 (*b*) (*ii*), the rupee being provided from the appropriate non-resident account of a bank,

(*iii*) in sterling as stated in section 5 (*c*) (*ii*), the sterling being provided from the permitted account in the United Kingdom.

Date _____ _____

(Signature of the authorised dealer).

Note.—All documents relating to export of goods from India must be passed through the medium of an authorised dealer in foreign exchange in India.

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NOTES TO EXPORTERS.

(*A*) In all cases page 1 must be completed and certified by an authorised dealer in foreign exchange to the effect that payment has already been received or an irrevocable credit opened and thereafter submitted to the customs in order to obtain the necessary permission to ship the goods. If an export licence for the goods is required, this form should be exhibited to the Export Controller.

Page 3 of the form must be completed and handed to the authorised dealer, who signed the certificate on page 1.

(*B*) In all cases shipping documents must be handed to an authorised dealer in foreign exchange with page 3 of FormG.R.X.

FORM G. R. X.

Duplicate copy together with a copy of Shipper's invoice to be submitted to Reserve Bank through an authorised dealer in foreign exchange.

FOR SHIPMENTS FROM PORTS IN INDIA ONLY.

EXCHANGE CONTROL.

Serial No———————— Steamer————————
Shipping Bill No———————— Port of
Rupee Value———————— Shipment————————

(*Declaration required from exporter before shipping commodities to such countries as may be notified from time to time*).

1. Exporter's Name
2. Country of destination of goods
3. Short description and quantity of goods
4. Invoice value of goods (stating currency) ... ...————
   (Shipping charges, insurance, etc. if not included in price).
   Total ...
5. *Method by which payment is received in India*: ————
   (*a*) *Goods invoiced in currency of country of import or U.S. dollars* and
      (*i*) Payment to be received through a bank in India by negotiating bills and/or documents drawn in the appropriate foreign currency or U.S. dollars under an irrevocable confirmed credit opened by the foreign importer ...————
      (*ii*) Payment already received through a bank in India by a remittance of the appropriate foreign currency or U.S. dollars ... ...————
   (*b*) *Goods invoiced in rupees*
      (*i*) Payment to be received through a bank in India by negotiating bills and/or documents drawn under an irrevocable confirmed credit opened by the foreign importer ...————
      (*ii*) Payment already received through a bank in India by a remittance from the foreign importer ... ...————
   (*c*) *Goods invoiced in sterling* and
      (*i*) Payment to be received through a bank in India by negotiating bills and/or documents drawn under an irrevocable confirmed credit opened direct or through London by the foreign importer. ... ...————
      (*ii*) Payment already received through a bank in India by a remittance from the foreign importer ... ...————

I hereby declare that I am the seller/consignor of the goods in respect of which this declaration is made and that the particulars given above are true, and

Strike out clause not applicable.

(*a*) that the invoice value declared is the full value as contracted with the buyer.

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*Give approximate date of delivery which must be within six months of export.

(*b*) that this is a fair valuation of the goods which are unsold and I/my principals undertake that I/they will deliver to the bank mentioned below the foreign exchange/rupee proceeds resulting from the export of these goods on or before*

Name and address of bank in India through whom payment is to be received.

(Signature of exporter).

Address——————

Date——————

I/We hereby confirm that—

(*a*) an inrrevocable confirmed credit No.——————for——————expiring on——————has been opened as stated in Section 5 covering the shipment described above ;

(*b*) a remittance for——————has been received on——————and has been allocated against the shipment described above,

(*i*) in——————as stated in Section 5 (*a*) (*ii*),
(state currency)

(*ii*) in rupees as stated in Section 5 (*b*) (*ii*), the rupee being provided from the appropriated non-resident account of a bank,

(*iii*) in sterling as stated in Section 5 (*c*) (*ii*) the sterling being provided from the permitted account in the United Kingdom.

Strike out clause not applicable.

Date——————

(Signature of the authorised dealer)

Note.—All documents relating to export of goods from India must be passed through the medium of an authorised dealer in foreign exchange in India.

Certificate of authorised dealer in India through whom bills are negotiated or payment is received.

(*i*) We hereby certify that we have negotiated bills are declared under Section 5 under credit No.——————in accordance with the statement made on the original of this form.

or

(*ii*) We hereby certify that we have received shipping documents for the goods described within against which we have paid Rs.——————out of remittance of——————received in accordance with the statement
(State currency)
on the original of this form.

Date——————

(Signature of an authorised dealer).

FORM E. P.

Original copy to be submitted to Customs.

INDIA.

EXCHANGE CONTROL.

Serial No.——————

Shipping Bill No. and Date——————
Railway Bill No. and Date——————
Air freight Receipt No. and Date——————
Rupee Value——————

Name of { Steamer/Country Craft——————
Railway Booking Station——————
Airway Company——————
Owner of Barge——————
Road Transport Company——————

Place of Export——————

Name of inland Customs barrier——————

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This form is to be used exclusively for declaring exports from India to Pakistan and Afghanistan).

1. Exporter's name————————————————

2. Country of destination of goods————————————
(In the case of exports to Pakistan state whether East or West Pakistan)

3. Short description and quantity of goods————————

4. Invoice value of goods ... ... Rs.————
(Shipping charges/Railway freight, insurance etc. if not included in price) ... ... Rs.————
Total value ... ... Rs.————

Strike out clauses not applicable.

5. *Method by which payment is to be received in India.*—
*(a) Goods invoiced in Pakistan rupees and payment received through a bank in India by :
(i) negotiating or sending for collection bills and/or documents drawn in Pakistan rupees ... ...
————
(ii) Remittance in Pakistan rupees ...
————
(b) Goods invoiced in Indian rupees and payment received through a bank in India by :
(i) negotiating or sending for collection bills and/or documents drawn in Indian rupees
————
(ii) Remittance in Indian rupees ...
————

I hereby declare that I am the seller/consignor of the goods in respect of which this declaration is made and that particulars given above are true, and

(a) that the invoice value declared is the full value as contracted with the buyer ;

Strike out Clause (a) or (b) not applicable.

(b) that this is a fair valuation of the goods which are unsold and I/my principals undertake that I/they will deliver to the bank mentioned below the foreign exchange/rupee proceeds resulting from the export of these goods on or before†————

(Name and address of the bank in India through whom payment is to be received.) ————————————
(Signature of exporter).
Date———————— Address————————

Note.—(i) All documents relating to export of goods from India must be passed through the medium of an authorised dealer in foreign exchange in India.

(ii) See page 2 of form for method of finance permitted.

*This method of finance is not permissible for exports to Afghanistan.

†Give approximate date of delivery which must be within three months of export.

NOTES TO EXPORTERS. 1052

This E. P. Form applies only to exports to Pakistan and Afghanistan. The methods by which payments for the exports may be received are stated below :—

FOR PAKISTAN :—

(1) Pakistan rupees ... ... Sec. 5 (*a*)

(2) Indian rupees from the account of a bank in the Dominion of Pakistan ... ... Sec. 5 (*b*)

FOR AFGHANISTAN :—

(1) Indian rupees from the account of a bank in Afghanistan Sec. 5 (*b*)

Note:—(1) Page 1 must be completed and submitted to the Customs in order to obtain permission to export the goods. Pages 3 and 5 must also be completed in the same way as page 1 and handed over to the authorised dealer in foreign exchange through whom the bill is negotiated.

FORM E. P.

Duplicate copy together with a copy of exporter's invoice to be submitted to Reserve Bank through an authorised dealer in foreign exchange.

INDIA

EXCHANGE CONTROL

Serial No. _____
Shipping Bill No. and Date _____
Railway Bill No. and Date _____
Air Freight Receipt No. and Date _____
Rupee Value _____

NAME OF { Steamer/Country Craft _____ / Railway Booking Station _____ / Airway Company _____ / Owner of Barge _____ / Road Transport Company _____ }

Place of Export _____

Name of inland Customs barrier _____

(*This form is to be used exclusively for declaring exports from India to Pakistan and Afghanistan.*)

1. Exporter's Name _____
2. Country of destination of goods _____

   (In the case of exports to Pakistan state whether East or West Pakistan

3. Short description and quantity of goods _____
4. Invoice value of goods ... ... Rs _____

   Shipping charges/Railway freight, insurance etc., if not included in price) ... Rs _____

   Total value ... ... Rs _____

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5. *Method by which payment is to be received in India.*

Strike out clauses not applicable.

*(a) Goods invoiced in Pakistan rupees and payment received through a bank in India by :
(i) negotiating or sending for collection bills and/or documents drawn in Pakistan rupees ... ... _____
(ii) Remittance in Pakistan rupees ... _____

(b) Goods invoiced in Indian rupees and payment received through a bank in India by :
(i) negotiating or sending for collection bills and/or documents drawn in Indian rupees ... ... _____
(ii) Remittance in Indian rupees ... _____

I hereby declare that I am the seller/consignor of the goods in respect of which this declaration is made and that particulars given above are true, and

(a) that the invoice value declared is the full value as contracted with the buyer;

Strike out clause (a) or (b) not applicable

(b) that this is a fair valuation of the goods which are unsold and I/my principals undertake that I/they will deliver to the bank mentioned below the foreign exchange/rupee proceeds resulting from the export of these goods on or before† _____

(Name and address of the bank in India through whom payment is to be received.) _____

(Signature of exporter)

Date _____ Address _____

Note.—(i) All documents relating to export of goods from India must be passed through the medium of an anthorised dealer in foreign exchange in India.

(ii) See page 2 of form for method of finance permitted.

* This method of finance is not permissible for exports to Afghanistan.

† Give approximate date of delivery which must be within three months of export.

Certificate by authorised dealers in India through whom bills are negotiated or collected or through whom payment for goods is received.

We hereby certify that the goods have been exported against outright sale/on consignment basis and that we have negotiated bills/received bills/shipping documents for collection to the value of _____ as declared under section 5 (a)/(b) and we undertake to see that proceeds are received by us on or before* _____ in a manner approved by the Exchange Control or that an explanation is furnished to the Reserve Bank of India as to the reason for non-delivery.

or

We hereby certify that the goods have been shipped against outright sale/on consignment basis and that we have received _____ in payment of the goods as declared under section 5 (a)/(b).

_____

(*Signature of authorised dealer*)

*Within three months.

Date _____

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NOTES TO BANKS

1. Pages 3 and 4 should be submitted to the Reserve Bank of India together with a copy of shipper's invoice immediately after the authorised dealer completes the certificate above.

2. On receipt of the proceeds of bills or of the export under section 5 (*a*), or (*b*), the authorised dealer will forward to the Reserve Bank of India the triplicate copy of this form with the appropriate certificate on the reverse of the copy duly completed. In respect of goods exported on consignment basis, the account sales or other satisfactory documentary evidence in support of the proceeds actually realised should be forwarded along with the triplicate copy of the form. In the event of the procees not being received by the date stated, an explanation must be furnished to the Reserve Bank of India quoting the number and date of this form.

3. In the case of bill drawn and negotiated for only part of the invoice amount the triplicate copy of the form should be retained by the authorised dealer until the full proceeds of the shipment have been received by him, except in cases where payment of the balance is being received by a different method, when separate E.P. Forms for the balance stating the method by which payment is being made should be completed by the exporter.

FORM E. P.

Triplicate copy to be forwarded to the Reserve Bank through an authorised dealer in foreign exchange.

INDIA

EXCHANGE CONTROL

Serial No. By. A.——————
Shipping Bill No. and Date——————
Railway Bill No. and Date——————
Airfreight Receipt No. and Date——————
Rupee Value——————

NAME OF { Steamer/Country Craft——————
Railway Booking Station——————
Airway Company——————
Owner of Barge——————
Road Transport Company——————

Place of Export——————

Name of inland Customs barrier——————

(*This form to be used exclusively for declaring exports from India to Pakistan and Afghanistan.*)

1. Exporter's Name——————
2. Country of destination of goods——————
   (In the case of exports to Pakistan state whether East or West Pakistan)
3. Short description and quantity of goods——————
4. Invioce value of goods ... ... Rs.——————
   (Shipping charges/Railway freight, insurance etc. if not included in price) ... Rs.——————
   Total value ... ... Rs.——————

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ike out clauses applicable.

5. *Method by which payment is to be receivd in India.*

*(a) Goods invoiced in Pakistan Rupees and payment received through a bank in India by:

(i) negotiating or sending for collection bills and/or documents drawn in Pakistani Rupees ... ... _____

(ii) Remittance in Pakistani Rupees ... _____

(b) Goods invoiced in Indian Rupees and payment received through a bank in India by:

(i) negotiating or sending for collection bills and/or documents drawn in Indian Rupees _____

(ii) Remittances in Indian Rupees _____

I hereby declare that I am the seller/consignor of the goods in respect of which this declaration is made and that particulars given above are true, and

(a) that the invoice value declared is the full value as contracted with the buyer.

ike out Clause or (b) not licable.

(b) that this is a fair valuation of the goods which are unsold and I/my principals undertook that I/they will deliver to the bank mentioned below the foreign exchanges/rupees proceeds resulting from the export of these goods on or before† _____

_____

(Name and address of the bank in India through whom payment is to be received.)

_____

(Signature of Exporter)

Date _____ Address _____

---

te.—(i) All documents relating to export of goods from India must be passed through the medium of an authorised dealer in foreign exchange in India.

(ii) See page 2 of form for method of finance permitted.

* This method of finance is not permissible for exports to Afghanistan.

† Give approximate date of delivery which must be within three months of export.

ike out Section applicable.

Certificate by authorsied dealer in foreign exchange in India receiving full Proceeds of shipment by method (a) or (b) of Section 5.

Section 5 (a)

We confirm that _____ were received by us
(State the value in Pakistani Rupees).

on _____
(Date)

(i) by credit (s) to our account with our agent in Pakistan,
(ii) by a draft or T.T.

Section 5 (b)

We confirm that Rs. _____ were received by us
(State the value in Indian Rupees.)

on _____ by a transfer from the rupee account

ia of a Bank in _____
(State the name of the country.)

Date _____

_____

(Signature of authorised dealer).

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FORM E. P. I. Original copy to be Submitted to Custom

INDIA

EXCHANGE CONTROL

Serial No.
Shipping Bill No. and Date
Railway Bill No. and Date
Airfreight Receipt No. and Date
Rupee value

NAME OF { Steamer/Country Craft / Railway Booking Station / Airway Company / Owner of Barge / Road Transport Company

Place of export

Name of inland Customs barrier

Declaration required from exporter before exporting goods to Pakistan and Afghanistan.

1. Exporter's name
2. Country of destination of goods
   (In the case of exports to Pakistan state whether East or West Pakistan)
3. Short description and quantity of goods.
4. Invoice value of goods (stating currency) ...
   (Shipping charges, insurance etc. if not included in price).

Total ...

Method by which payment is to be realised:—

We hereby declare that the invoice value herein stated represents the ful export value of the goods and that the amount will be disposed of in a manner an within a period specified by the Reserve Bank.

(Signature of Exporter)

*E.P.I. Licence No. Date

Addres

Date

* *Note.*—This form can only be used under special licence from the Reserv Bank.

Form E.P. I. Duplicate copy to be forwarded to the Reserve Bank

INDIA

EXCHANGE CONTROL

Serial No.
Shipping Bill No. and Date
Railway Bill No. and Date
Airfreight Receipt No. and Date
Rupee value

NAME OF { Steamer/Country Craft / Railway Booking Station / Airway Company / Owner of Barge / Road Transport Company

Place of export

Name of inland Customs barrier

Declaration required from exporter before exporting goods to Pakistan and Afghanista

1. Exporter's name
2. Country of destination of goods
   (In the case of exports to Pakistan state whether East or West Pakistan

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3. Short description and quantity of goods.
4. Invoice value of goods (stating currency) ... _____
(Shipping charges, insurance etc., if not included in price.)

Total ... _____

Method by which payment is to be realised :—

We hereby declare that the invoice value herein stated represents the full export value of the goods and that the amount will be disposed of in a manner and within a period specified by the Reserve bank.

(Signature of Exporter).

*E.P.I. Licence No.——Date——

Address——

Date——

* *Note.*—This form can only be used under special licence from the Reserve Bank.

FORM E.P. I.

Triplicate copy to be forwarded to the Reserve Bank.

INDIA

EXCHANGE CONTROL.

Serial No.——

Shipping Bill No. and Date——

Railway Bill No. and Date——

Airfreight Receipt No. and Date——

Rupee value——

NAME OF { Steamer/Country Craft——
Railway Booking Station——
Airway Company——
Owner of Barge——
Road Transport Company——

Place of export——

Name of inland Customs barrier——

Declaration required from exporter before exporting goods to Pakistan and Afghanistan.

1. Exporter's name——
2. Country of destination of goods——
(In the case of exports to Pakistan state whether East or West Pakistan).
3. Sort description and quantity of goods
4. Invoice value of goods (stating currency)——
(Shipping charges, insurance etc., if not included in price.)

Total

Method by which payment is to be realised :—

We hereby declare that the invoice value herein stated represents the full export value of the goods and that the amount will be disposed of in a manner and within a period specified by the Reserve Bank.

(Signature of Exporter)

*E.P.I. Licence No——Date——

Address——

Date——

I/We confirm that——was received by us on
(State currency and amount received).
(*i*) by credit to our account with our agents in——
(*ii*) by a banker's draft or T.T.
(Banker's payment advice should be attached)

(Signature of Exporter).

**Note.*—This form can only be used under special licence from the Reserve Bank.

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COPIES OF THE P.P. FORM SHOULD NOT BE PASTED ON THE PARCEL.

This original copy should be forwarded to the nearest office of the Reserve Bank of India by the Post Office through which the goods have been despatched.

FORM P. P.

Original copy to be submitted by the exporter to the Post Office after being countersigned by an authorised dealer in foreign exchange.

EXCHANGE CONTROL.

Serial No.———— Parcel Receipt No.————

Name of Post Office————

(Declaration required from exporter before sending goods by parcel post to certain countries outside India).

1. Name and address of exporter————

2. Name and address of consignee————

3. Short description and quantity of goods————

4. Invoice value of goods stating currency————

I hereby declare that I am the seller/consignor of the goods in respect of which this declaration is made and that the particulars given above are true and

†Strike out (i) or (ii) whichever is not applicable.

†(a) (*i*) that the invoice value declared is the full export value of the goods;

(*ii*) that this is a fair valuation of the goods which are unsold;

*Give approximate date of delivery which must be within 6 months of export.

(b) that I undertake to deliver to the bank mentioned below the foreign exchange/rupee proceeds resulting from the export of these goods on or before*————in a manner prescribed by the Reserve Bank of India.

————

(Signature of Exporters).

Date————

(Name and address of bank in India through whom payment is to be received).

Countersignature of Bank mentioned above.

Note:—(*i*) All documents relating to exports of goods from India must be passed through the medium of an authorised dealer in foreign exchange.

(*ii*) All details of this form must be correctly completed.

COPIES OF THE P.P. FORM SHOULD NOT BE PASTED ON THE PARCEL.

FORM P.P.

Duplicate copy to be submitted to the Reserve Bank through an authorised dealer in foreign exchange.

EXCHANGE CONTROL.

Serial No.———— Parcel Receipt No.————

Name of Post Office————

1,059

Declaration required from exporter before sending goods by parcel post to certain countries outside India).

1. Name and address of exporter——————————

2. Name and address of consignee ——————————

3. Short description and quantity of goods ——————

4. Invoice value of goods stating currency——————

I hereby declare that I am the seller/consignor of the goods in respect of which this declaration is made and that the particulars given above are true and

†Strike out (i or (ii) whichever is not applicable.

†(*a*) (*i*) that the invoice value declared is the full export value of the goods ;

(*ii*) that this is a fair valuation of the goods which are unsold ;

*Give approximate date of delivery which must be within 6 months of export.

(*b*) that I undertake to deliver to the bank mentioned below the foreign exchange rupee proceeds resulting from the export of these goods on or before* ——————— in a manner prescribed by the Reserve Bank of India.

——————————

(Signature of Exporter).

Date——————————

——————————

(Name and address of bank in India through whom payment is to be received).

We hereby certify that we have negotiated/received for collection bills and documents for——————in respect of the above goods sent by parcel post.

(Amount)

——————————

(Signature of authorised dealer)

Note.—(*i*) All documents relating to exports of goods from India must be passed through the medium of an authorised dealer in foreign exchange.

(*ii*) All details of this form must be correctly completed.

COPIES OF THE P.P. FORM SHOULD NOT BE PASTED ON THE PARCEL.

FORM P.P.

Triplicate copy to be submitted to the Reserve Bank through an authorised dealer in foreign exchange.

EXCHANGE CONTROL.

Serial No.——————— Parcel Receipt No.——————

Name of Post Office——————

(*Declaration required from exporter before sendig goods by parcel post to certain countries outsid India.*)

1. Name and address of exporter——————————

2. Name and address of consignee——————————

3. Short description and quantity of goods————————————

4. Invoice value of goods stating currency————————————

I hereby declare that I am the seller/consignor of the goods in respect of which this declaration is made and that the particulars given above are true and

†Strike out (i) or (ii) whichever is not applicable

†(*a*) (*i*) that the invoice value declared is the full export value of the goods;

(*ii*) that this is a fair valuation of the goods which are unsold;

*Give approximate date of delivery which must be within 6 months of export.

(*b*) that I undertake to deliver to the bank mentioned below the foreign exchange/rupee proceeds resulting from the export of these goods on or before*————in a manner prescribed by the Reserve Bank of India.

————————————

(Signature of Exporter).

————————————

Date————————————

————————————

(Name and address of bank in India through whom payment is to be received).

Certificate by bank through whom payment is received:

§Strike out (A) or (B) whichever not applicable.

§(A) We confirm that————————was received by us (state currency and amount received)

on———— from————————

(name of country from which payment was received)

§(B) We confirm that the documentary evidence of the return of the goods to India has been seen by us.

Address————————————

————————————

(Signature of authorised dealer)

Note—(*i*) All documents relating to exports of goods from India must be passed through the medium of an authorised dealer in foreign exchange.

(*ii*) All details of this form must be correctly completed.

SECOND SCHEDULE.

	Names of countries 1	*Approved methods of finance* 2
A.	The Belgian Monetary Area Canada Egypt (including Gaza Strip) The French Franc area (excluding the French possessions in India). The French Somali Coast The Portuguese Monetary Area (excluding the Portuguese possessions in India).	(*a*) The currency of the country of import or of any other country in the monetary area.
	Switzerland and Liechtenstein The Dutch Monetary Area (excluding the Republic of Indonesia and Dutch New Guinea) Denmark (including Faroe Islands) and Greenland Norway Sweden	(*b*) Sterling from the account of a resident in the country of import or of any other country in the same monetary area. (*c*) Rupees from the account of a bank in the country of import or of any other country in the same monetary area.

SECOND SCHEDULE—*concld.*

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Names of countries 1	*Approved methods of finance* 2
B. U.S.A. and any territories under the sovereignty of the U.S.A. Philippine Islands Bolivia Columbia Costa Rica Cuba Dominican Republic Ecauador Guatemala Haiti Honduras Mexico Nicaragua Panama Salvador Venezuela.	(*a*) U.S. dollars. (*b*) Sterling from the account of a resident in any country in the group. (*c*) Rupees from the account of a bank in the group.
C. The Scheduled Territories *i.e.*, The British Commonwealth (except Canada) The Irish Republic British Trust Territories British Protectorates and Protected States Burma Iraq Iceland The Hashemite Kingdom of the Jordan Libya.	(*a*) Sterling or any sterling area currency other than Indian and Pakistan rupees from the account of a resident in any country in this group other than India and Pakistan. (*b*) Rupees from the account of a bank in any country in this group other than India and Pakistan.
Note.—Payment for exports to Pakistan may only be received in Pakistan rupees or in Indian rupees from the account of a bank in the country of import.	
D. All countries not mentioned in Groups A, B and C above.	(*a*) Sterling from the account of a resident in the country of import. (*b*) Rupees from the account of a bank in the country of import.

[No. 6 (8)-EP. II/52.]

S. S. SHIRALKAR, Dy. Secy.

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PART IV

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATIONS.

No. Fl. (B) 4574, dated Bangalore, 12th August 1952.

In exercise of the powers conferred by Rule 3 of the Rules under the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951 (Mysore Act XXVII of 1951), His Highness the Maharaja of Mysore is pleased to notify that the applications for grant of license under the said Act, should be submitted to the Secretary to the Government of Mysore, Finance Department, Old Public Offices, Bangalore.

By Order of His Highness the Maharaja,

No. Fl. (B) 4949—B. & T. 15-52-2, dated Bangalore, 21st August 1952.

In exercise of the powers conferred by Section 3 of the Banker's Books Evidence Act, 1891 (Central Act No. XVIII of 1891), His Highness the Maharaja of Mysore is pleased to extend the provisions of the said Act to the Books of Mysore Government Savings Banks.

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,
Finance Department.

No. L.S. 2576—L.W. 315-51-6, dated Bangalore, 18th August 1952.

Fixation of Opening and Closing Hours for Drama Theatres.

Notice is hereby given that it is proposed to pass an order under sub-section (1) of Section 13 of the Mysore Shops and Establishments Act, 1948, that with effect from 1st October 1952, no Dramatic Theatre situated in the following areas, shall be opened on any day earlier than 9 A.M. or closed any day later than 2-30 A.M. :—

(*a*) City of Bangalore as defined in the City of Bangalore Municipal Corporation Act, 1949.

(*b*) Municipal limits of Cities of Mysore and Davangere.

(*c*) Area within the jurisdiction of the K.G.F. Sanitary Board constituted under the Mysore Mines Act (IV of 1906).

(*d*) Municipal limits of the Towns of Shimoga and Chikmagalur.

Any person wishing to make any objection or suggestion with respect to the above order shall send it in writing to the Commissioner of Labour in Mysore, Bangalore, before the 30th September 1952.

By Order of His Highness the Maharaja,

No. L.S. 2630—L.W. 96-51-7, dated Bangalore, 21st August 1952.

In exercise of the powers conferred by sub-section (1) of Section 20 of the Minimum Wages Act, 1948 (Central Act No. XI of 1948), His Highness the Maharaja of Mysore is pleased to appoint the Magistrates specified in Column 1 of the Table below to be the authorities in respect of the areas specified in Column 2 thereof to hear and decide all claims arising out of payment of less than the minimum rates of wages to employees employed or paid in the respective areas :—

TABLE.

	Designation of the Magistrate.	*Area.*
	BANGALORE DISTRICT.	
1	The City Magistrate, Bangalore ...	Bangalore City and Taluks of Bangalore North and South.
2	The First Magistrate, Bangalore ...	Taluks of Devanahalli, Nelamangala, Hoskote and Anekal.
3	The Special First Class Magistrate, Ramanagaram.	Taluks of Channapatna, Magadi, Kanakapura and Ramanagaram.
4	The Munsiff-Magistrate, Doddaballapur.	Doddaballapur Taluk
5	The First Class Magistrate, Civil Station, Bangalore.	Retroceded Area

Designation of the Magistrate	*Area*
MYSORE DISTRICT.	
1 The City Magistrate, Mysore ...	Mysore City.
2 The Second Munsiff and First Class Magistrate, Mysore.	T.-Narasipur Taluk
3 The Special First Class Magistrate, Nanjangud.	Taluks of Nanjangud, Chamarajanagar, Gundlupet and Yelandur.
4 The Munsiff-Magistrate, Krishnarajanagar (I Class).	Krishnarajanagar Taluk
5 The Munsiff-Magistrate, Hunsur (I Class).	Taluks of Hunsur, Periyapatna and Heggaddevankote.
MANDYA DISTRICT.	
1 The First Class Magistrate (Subordinate Judge), Mandya.	Taluks of Mandya, Maddur and Malavalli.
2 The Special First Class Magistrate, Srirangapatna.	Taluks of Srirangapatna, Pandavapura, Nagamangala and Krishnarajpet.
SHIMOGA DISTRICT.	
1 The First Magistrate, Shimoga ...	Taluks of Channagiri, Honnali, Tirthahalli and Shimoga (including Town).
2 The Special First Class Magistrate, Sagar.	Taluks of Sagar, Sorab, Nagar, Sagar (Kullur Katte) and Shikaripur.
3 The Special First Class Magistrate, Bhadravati.	Bhadravati Taluk
TUMKUR DISTRICT.	
1 The Special First Class Magistrate, Madhugiri.	Taluks of Madhugiri, Sira, Pavagada and Koratagere.
2 The First Class Magistrate, Tumkur (Subordinate Judge).	Taluks of Tumkur, Kunigal and Gubbi
3 The Special First Class Magistrate, Tiptur.	Taluks of Tiptur, Chiknaikanahalli and Turuvekere.
KOLAR DISTRICT.	
1 The First Class Magistrate, (Subordinate Judge), Kolar.	Taluks of Kolar, Malur, Mulbagal, Srinivasapur and Chintamani.
2 The Special First Class Magistrate, Kolar Gold Fields.	Bangarpet Taluk including the Sanitary Board Area.
3 The Special First Class Magistrate, Chickballapur.	Taluks of Chickballapur, Sidlaghatta, Bagepalli, Goribidanur and Sub-Taluk of Gudibanda.
HASSAN DISTRICT.	
1 The First Class Magistrate, (Subordinate Judge), Hassan.	Taluks of Hassan, Arsikere and Channarayapatna.
2 The *Ex-Officio* First Class Magistrate, Saklespur.	Taluks of Saklespur, Belur, Hole-Narsipur, Alur and Arakalgud.
CHIKMAGALUR DISTRICT.	
1 The First Class Magistrate (Subordinate Judge), Chikmagalur.	Taluks of Chikmagalur, Mudigere and Kadur.
2 The Munsiff-Magistrate (First Class), Narasimharajapura.	Taluks of Narasimharajapura, Koppa, Sringeri and Tarikere.

Designation of the Magistrate	*Area*
CHITALDRUG DISTRICT.	
1 The First Class Magistrate (Subordinate Judge), Chitaldrug.	Taluks of Chitaldrug, Chellakere, Hiriyur, Molakalmuru and Hosadurga.
2 The Special First Class Magistrate, Davangere.	Davangere, Holalkere, Jagalur and Harihar Taluks.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Secretary to Government,
Law Department.

No. T. 1775—R.T. 217-51-9, dated Bangalore, 18th August 1952.

In exercise of the powers conferred by Section 8 of the Mysore Motor Vehicles Taxation and Tolls Act, 1951 (Mysore Act No. XII of 1951), His Highness the Maharaja of Mysore is pleased to order the reduction of tax by fifty per cent of the rates of tax leviable under the said Act on the following Contract Carriages used for hire for a strictly limited purpose belonging to the Institutions noted against each :—

1.	MY 6094 X ...	Himamshu Sishuvihar, Margosa Road, Malleswaram, Bangalore City.
2.	MY 4513 X ...	Mount Carmel College, Palace Road, Bangalore City.
3.	MY 2206 X ...	Mount Carmel College, Palace Road, Bangalore City.
4.	MY 2774 Z ...	Bishop's Cotton Girls' School, St. Mark's Road, Bangalore.

By Order of His Highness the Maharaja,

No. S.R. 3101—Ex. 17-52-3, dated Bangalore, 22nd August 1952.

In exercise of the powers conferred by Sections 17 and 18 of the Mysore Excise Act, 1901 (Mysore Act V of 1901), and in supersession of Notification No. S.R. 3399—Ex. 98-46-3, dated the 5th March 1947, His Highness the Maharaja of Mysore is pleased to direct the levy of duty on Beer at the rate of one rupee per gallon.

By Order of His Highness the Maharaja,

M. S. SWAMINATHAN,

Secretary to Government,
Revenue Department.

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The Mysore Gazette

PUBLISHED BY AUTHORITY

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[Vol. 87] BANGALORE, THURSDAY, AUGUST 28, 1952. [No. 35

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PART IV

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CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 885—Legis. 4-52-18, dated Bangalore, 14th August 1952.

Ordered that the Repealing and Amending Act 1952 (Central Act. No. XLVIII of 1952) published in the *Gazette of India*, Extraordinary Part II, Section 1, dated the 2nd August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,
N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE REPEALING AND AMENDING ACT, 1952,
No. (XLVIII OF 1952).

Received Assent on 2nd August 1952.

AN
ACT

to repeal certain enactments and to amend certain other enactments.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Repealing and Amending Act, 1952.

2. Repeal of certain enactments.—The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

3. Amendment of certain enactments.—The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

4 Savings.—The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, from or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE

REPEALS

(*See* section 2)

Year	No.	Short title	Extent of repeal
1	2	3	4
		Regulations	
1818	III	The Bengal State Prisoners Regulation, 1818.	The whole.
1819	II	The Madras State Prisoners Regulation, 1819.	The whole.
1827	XXV	The Bombay State Prisoners Regulation, 1827.	The whole.
		Acts of the Governor-General of India in Council.	
1839	XX	The Bombay Haqqa Prohibition Act, 1839.	The whole.
1839	XXIV	The Ganjam and Vizagapatam Act, 1839.	The whole.
1839	XXIX	The Dower Act, 1839 ...	The whole.
1841	XXIV	The Illusory Appointments and Infants' Property Act, 1841.	The whole.
1843	V	The Indian Slavery Act, 1843 ...	The whole.
1846	I	The Legal Practitioners Act, 1846 ...	The whole.
1850	XXXIV	The State Prisoners Act, 1850	The whole.
1853	XX	The Legal Practitioners Act, 1853 ...	The whole.
1854	XXXI	The Conveyance of Land Act, 1854 ...	The whole.
1855	XI	The Mesne Profits and Improvements Act, 1855.	The whole.
1855	XXIII	The Mortgaged Estates Administration Act, 1855.	The whole.
1858	III	The State Prisoners Act, 1858	The whole.
1866	XXVII	The Indian Trustees Act, 1866 ...	The whole.
1866	XXVIII	The Trustees' and Mortgagees' Powers Act, 1866.	The whole.
1867	XXIII	The Punjab Murderous Outrages Act, 1867.	The whole.
1870	VIII	The Female Infanticide Prevention Act, 1870.	The whole.
1881	I	The Taj Mahal's Pension Act, 1881 ...	The whole.
1884	II	The Madras Partition deeds (Validation) Act, 1884.	The whole.
1898	VI	The Indian Post Office Act, 1898 ...	Section 77.
1898	X	The Indian Insolvency Rules Act, 1898 ...	The whole.
1908	V	The Code of Civil Procedure, 1908 ...	Sections 154 and 155 and the Fourth Schedule.
1911	I	The Opium (Amendment) Act, 1911 ...	The whole.
1917	XXVI	The Transfer of Property (Validating) Act, 1917.	The whole.

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Year	No.	Short title	Extent of repeal
1	2	3	4
		Acts of the Indian Legislature.	
1924	XIII	The Indian (Specified Instruments) Stamp Act, 1924.	The whole.
1925	XXII	The Salt Law Amendment Act, 1925 ...	The whole.
1929	X	The Indian Census Act, 1929 ...	The whole.
1932	VIII	The Bengal Criminal Law Amendment (Supplementary) Act, 1932.	The whole.
1933	IX	The Provincial Criminal Law Supplementing Act, 1933.	The whole.
1940	XVIII	The National Service (European British Subjects) Act, 1940.	The whole.
1941	II	The Indian Merchandise Marks (Amendment) Act, 1941.	The whole.
1941	XXI	The Federal Court Act, 1941 ...	The whole.
1942	XIII	The Agricultural Produce (Grading and Marking) (Amendment) Act, 1942.	The whole.
1942	XIV	The Indian Tolls (Army) (Amendment) Act, 1942.	The whole.
1942	XXVI	The Federal Court (Supplemental Powers) Act, 1942.	The whole.
		Acts of the Dominion Legislature.	
1949	III	The Indian Emigration (Amendment) Act, 1949.	The whole.
1949	V	The Protective Duties (Amendment) Act, 1949.	The whole.
1949	VI	The Public Debt (Central Government) Amendment Act, 1949.	The whole.
1949	IX	The Code of Criminal Procedure (Amendment) Act, 1949.	The whole.
1949	XI	The Railways (Transport of Goods) Amendment Act, 1949.	The whole.
1949	XII	The Protective Duties (Miscellaneous Provisions Act, 1949.	The whole.
1949	XV	The Code of Criminal Procedure (Second Amendment) Act, 1949.	The whole.
1949	XVI	The Governor-General's Salary (Exemption from Taxation) Act, 1949.	The whole.
1949	XVII	The Criminal Law (Removal of Racial Discriminations) Act, 1949.	The whole.
1949	XIX	The Essential Supplies (Temporary Powers) amendment Act, 1949.	The whole.
1949	XXVI	The Indian Tea Control (Amendment) Act, 1949.	The whole.
1949	XXVII	The Bombay Port Trust (Amendment) Act, 1949.	The whole.

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Year	No.	Short title	Extent of repeal
1	2	3	4
		Acts of the Dominion Legislature—contd.	
1949	XXVIII	The Coal Mines Labour Welfare Fund (Amendment) Act, 1949.	The whole.
1949	XXIX	The Dock workers (Regulation of Employment) Amendment Act, 1949.	The whole.
1949	XXX	The Public Companies (Limitation of Dividends) Act, 1949.	The whole.
1949	XXXI	The Indian Wireless Telegraphy (Amendment) Act, 1949.	The whole.
1949	XXXII	The Code of Civil Procedure (Amendment) Act, 1949.	The whole.
1949	XXXIII	The Rubber (Production and Marketing) Amendment Act, 1949.	The whole.
1949	XXXIV	The Coffee Market Expansion (Amendment) Act, 1949.	The whole.
1949	XXXV	The Indian Succession (Amendment) Act, 1949.	The whole.
1949	XXXVI	The Indian Passport (Amendment) Act 1949.	The whole.
1949	XXXVII	The Registration of Foreigners (Amendment) Act, 1949.	The whole.
1949	XXXVIII	The Chartered Accountants Act, 1949.	Section 33.
1949	XXXIX	The Cinematograph (Amendment) Act, 1949.	The whole.
1949	XL	The Repealing and Amending Act, 1949.	The whole.
1949	XLI	The Child Marriage Restraint (Amendment) Act, 1949.	The whole.
1949	XLII	The Indian Penal Code and the Code of Criminal Procedure (Amendment) Act, 1949.	The whole.
1949	XLIII	The Indian Tariff (Second Amendment) Act, 1949.	The whole.
1949	XLIV	The Reserve Bank of India (Amendment) Act, 1949.	The whole.
1949	XLV	The Industrial Finance Corporation (Amendment) Act, 1949.	The whole.
1949	XLVII	The Indian Arms (Amendment) Act, 1949.	The whole.
1949	XLIX	The Essential Supplies (Temporary Powers) Second Amendment Act, 1949.	The whole.
1949	L	The Rubber (Production and Marketing) Amendment Act, 1949.	The whole.
1949	LII	The Merchant Shipping and Lighthouse (Amendment) Act, 1949.	The whole.
1949	LIV	The Industrial Disputes (Banking and Insurance Companies) Act, 1949.	Section 3.
1949	LVI	The Indian Railways (Amendment) Act, 1949.	The whole.

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Year	No.	Short title	Extent of repeal
1	2	3	4
		Acts of the Dominion Legislature—concld.	
1949	LVII	The Electricity (Supply) Amendment Act, 1949.	The whole.
1949	LVIII	The Inland Steam-vessels (Amendment) Act, 1949.	The whole.
1949	LXIII	The Imports and Exports (Control) Amendment Act, 1949.	The whole.
		Ordinance made by the Governor-General.	
1945	XLVII	The International Monetary Fund and Bank Ordinance, 1945.	Section 6.

THE SECOND SCHEDULE.

AMENDMENTS.

(*See* section 3)

Year	No.	Short title	Amendments
1	2	3	4
		Acts of the Governor-General of India in Council.	
1860	XLV	The Indian Penal Code.	In section 42, the words "the territories comprised in" shall be omitted.
1872	III	The Special Marriage Act, 1872.	In clause (*2*) of section 2 and in Item 3 of the 'Declaration to be made by the Bride' in the Second Schedule, for the word "fourteen" the word "fifteen" shall be substituted.
1872	XV	The Indian Christian Marriage Act, 1872.	In section 60, in condition No. (1), for the words "shall exceed sixteen years" and "shall exceed thirteen years" the words "shall not be under eighteen years" and "shall not be under fifteen years" shall respectively be substituted. In section 81,— (*i*) the words and figures "and the officers appointed under section 56" shall be omitted, and (*ii*) for the words "them respectively", wherever they occur, the word "him" shall be substituted.
1882	IV	The Transfer of Property Act, 1882.	In section 69, the words and figures "Notwithstanding anything contained in the "Trustees' and Mortgagees' Powers Act, 1866" shall be omitted.

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Year	No.	Short title	Amendments
1	2	3	4
		Acts of the Governor-General of India in Council—contd.	
1890	IX	The Indian Railways Act, 1890.	In sub-section (1) of Section 47, for the words beginning with "Every railway company" and ending with "for the following purposes, namely" the following words shall be substituted, namely :— "Every railway company and in the case of a railway administered by the Government, an officer to be appointed by the Central Government in this behalf shall make general rules consistent with this Act for the following purposes, namely".
1898	IX	The Live-stock Importation Act, 1898.	In sub-section (*1*) of section 3, for the words and letters "the territories for the time being comprised within Part A States and Part C States" the words "the territories to which this Act extends" shall be substituted.
1911	II	The Indian Patents and Designs Act, 1911.	(*i*) In clause (*7*) of section 2, the words "with reference to any area" shall be omitted. (*ii*) In sub-section (*2*) of section 23F, the words "and accompanied by the prescribed fee" shall be omitted.
1913	III	The Administrator-General's Act, 1913.	(*i*) In sections 15 and 16, after the figures "1893" the word "or" shall be inserted. (*ii*) For section 17 the following section shall be substituted, namely :— "17. *Power to grant Administrator General letters limited to purpose of dealing with assets in accordance with the Regimental Debts Act, 1893, or the Army and Air Force (Disposal of private Property) Act, 1950.*—If the Administrator-General applies in accordance with the provisions of the Regimental Debts Act, 1893, or the Army and Air Force (Disposal of Private Property) Act, 1950, for letters of administration of the estate of any person subject to the Army Act or the Air Force Act or the Army Act, 1950 (XLVI of 1950), or the Air Force Act, 1950 (XLV of 1950), the court may grant to him letters of administration limited to the purpose of dealing with such estate in accordance with the provisions of the Regimental Debts Act, 1893, or, as the case may be, the Army and Air Force (Disposal of Private Property Act, 1950 (XL of 1950)."

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Year	No.	Short title	Amendments
1	2	3	4
		Acts of the Governor-General of India in Council—concld.	
1922	VIII	The Delhi University Act, 1922.	In sub-section (*4*) of section 29, for the word "Statutes" the word "Statute" shall be substituted.
1922	XIII	The Ranchi Mental Hospital Act, 1922.	In sub-section (*1*) of section 4, for clauses (*e*) and (*f*) the following clauses shall be substituted, namely :— "(*c*) one Trustee elected by the association registered under the Indian Companies Act, 1913 (VII of 1913) by the name of the United Kingdom Citizens' Association ; and (*d*) one Trustee elected by the association registered under the Indian Companies Act, 1913 (VII of 1913) by the name of the All India Anglo-Indian Association ;".
		Acts of the Indian Legislature.	
1923	V	The Indian Boilers Act, 1923.	In clause (*d*) of sub-section (*2*) of section 27A, for the words "Chief Commissioner of Railways" the words "Chairman, Railway Board" shall be substituted.
1923	XIV	The Indian Cotton Cess Act, 1923.	In item (*i*) of section 4 and in sub-section (*2*) of section 5, for the word "Vice-Chairman" the word "Vice-President" shall be substituted.
1925	XXXIX	The Indian Succession Act, 1925.	(*i*) In section 318, the words "of India" shall be omitted. (*ii*) In section 380, in the first paragraph the word "all" and in the last paragraph the words "of India" shall be omitted. (*iii*) In column 2 of the first table under the heading "Debts" in Schedule VIII, for the word "Number" the word "Name" shall be substituted.
1939	IV	The Motor Vehicles Act, 1939.	In clause (*g*) of sub-section (*1*) of section 108, for the words "Superintendent of Insurance", in both the places where they occur, the words "Controller of Insurance" shall be substituted.
1940	V	The Trade Marks Act, 1940.	In sub-section (*2*) of section 84, clause (*ll*) shall be omitted.
1944	I	The Central Excises and Salt Act, 1944.	In column 3 of item 5 of the First Schedule, the words, figures and brackets "For the year ending the 31st day of March, 1944, the rate fixed by section 2 of the Indian Finance Act 1943, read with section 5 of the Indian Finance (Supplementary and Extending) Act, 1931 and thereafter" shall be omitted.

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Year	No.	Short title	Amendments
1	2	3	4
		Acts of Parliament.	
1950	XXIX	The Transfer of Prisoners Act, 1950.	In clause (*b*) of section 2, for the words "Chief Commissioner" the words "Lieutenant Governor or, as the case may be, the Chief Commissioner" shall be substituted.
1950	XXX	The Part C States (Laws) Act, 1950.	In section 2, the following words shall be omitted, namely:— "and, provision may be made in any enactment so extended for the repeal or amendment of any corresponding law (other than a Central Act) which is for the time being applicable to that Part C State."
1950	XXXI	The Administration of Evacuee Property Act, 1950.	In clause (*q*) of sub-section (2) of section 56, for the word and figures "section 38" the word and figures "section 40" shall be substituted.
1950	LXXII	The Essential Supplies (Temporary Powers) Amendment Act, 1950.	In section 1. after the words and brackets "(Temporary Powers)" the word "Second" shall be inserted.
1951	III	The Part B States Laws) Act, 1951	(*i*) In section 6, for the words "the Act" the words "this Act" shall be substituted. (*ii*) Under the heading "The Indian Christian Marriage Act, 1872" for the direction "For the definition of 'India' substitute", the direction "After the definition of 'church', insert the following definition" shall be substituted. (*iii*) The entry relating to the Displaced Persons (Legal Proceedings) Act, 1949 (XXV of 1949) shall be omitted.
1951	XXXV	The Port Trusts and Ports (Amendment) Act, 1951.	In section 83, after the figures "117" the figures "119" shall be inserted.
1951	LVI	The Press (Objectionable Matter) Act, 1951.	In the Second Schedule— (*i*) In item 12, for the words "The Travancore-Cochin Safety Measures Act" the words "The Travancore-Cochin Public Safety Measures Act" shall be substituted. (*ii*) After item 13, the following item shall be inserted, namely:— "14. The Hyderabad Public Security Measures Act, 1951 (XXIX of 1951)".

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Year	No.	Short title	Amendments
1	2	3	4
		Acts of Parliament—concld.	
1951	LXIII	The State Financial Corporations Act, 1951.	In the second proviso to section 43, for the word "its" the word "his" shall be substituted.
1952	IX	The Indian Independence Pakistan Courts (Pending Proceedings) Act, 1952.	In item (*iii*) of section 2, after the word, figure and brackets "paragraph (6)" the words and figures "of article 13" shall be inserted.
		Ordinance made by the Governor-General.	
1945	XLVII	The International Monetary Fund and Bank Ordinance, 1945.	In section 3, the word "British" shall be omitted.
		Act of the Governor of Bombay in Council.	
1879	VI	The Bombay Port Trust Act, 1879.	In section 43, for the words "Great Indian Peninsula and the Bombay, Baroda and Central and India Railway Companies" the words "Central Railway and the Western Railway" shall be substituted.

K. Y. BHANDARKAR.
Secretary to the Govt. of India.

NOTIFICATION. 1077

No. L.D. 876—Legis. 4-52-16, dated Bangalore, 11th August 1952.

Ordered that the Maintenance Orders Enforcement (Amendment) Act, 1952 (Central Act No. XLVII of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 30th July 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 30th July 1952.

THE MAINTENANCE ORDERS ENFORCEMENT (AMENDMENT) ACT, 1952

(No. XLVII OF 1952)

AN

ACT

further to amend the Maintenance Orders Enforcement Act, 1921.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Maintenance Orders Enforcement (Amendment) Act, 1952.

2. Amendment of long title and preamble, Act XVIII of 1921.—In the long title of, and the preamble to, the Maintenance Orders Enforcement Act, 1921 (hereinafter referred to as the principal Act) for the words "His Majesty's Dominions and Protectorates," the words "reciprocating territories," shall be substituted.

3. Amendment of section 2, Act XVIII of 1921.—In section 2 of the principal Act,—

(*a*) in the definition of 'dependants' for the words 'the part of His Majesty's Dominions' the words 'the reciprocating territory' shall be substituted;

(*b*) for the definition of 'reciprocating territory' the following definition shall be substituted, namely :—

"'reciprocating territory' means any country or territory outside India in respect of which this Act for the time being applies by virtue of a declaration under section 3."

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4. Substitution of new section for section 3, Act XVIII of 1921.—For section 3 of the principal Act, the following section shall be substituted, namely :—

"3. *Declaration of reciprocal arrangements.*—If the Central Government is satisfied that legal provision exists in any country or territory outside India for the enforcement within that country or territory of maintenance orders made by courts in India, the Central Government may, by notification in the Official Gazette, declare that this Act applies in respect of that country or territory and thereupon it shall apply accordingly."

K. Y. BHANDARKAR,
Secretary to the Government of India.

NOTIFICATION.

No. L.D. 886—Legis. 4-52-19, dated Bangalore, 14th August 1952.

Ordered that the Indian Tea Control (Amendment) Act, 1952 (Central Act No. XLIX of 1952), published in the *Gazette of India*, Extraordinary, Part II, Section 1, dated the 2nd August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 2nd August 1952.

THE INDIAN TEA CONTROL (AMENDMENT) ACT, 1952

(No. XLIX OF 1952)

AN

ACT

further to amend the Indian Tea Control Act, 1938.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Indian Tea Control (Amendment) Act, 1952.

2. Amendment of section 3, Act VIII of 1938.—In section 3 of the Indian Tea Control Act, 1938 (hereinafter referred to as the principal Act), for sub-section (*2*), the following sub-section shall be substituted, namely :—

"(*2*) Members nominated or elected under sub-section (*1*) shall hold office for such period as may be prescribed."

1079

3. Amendment of section 10, Act VIII of 1938.—In section 10 of the principal Act, in clause (*h*), after the word 'regulating' the words 'the term of office of nominated or elected members of the Committee and' shall be inserted.

4. Substitution of new section for section 26, Act VIII of 1938.—For section 26 of the principal Act, the following section shall be substituted, namely :—

"26. *Method of control of extension of tea cultivation.*—(*1*) So long as this Act remains in force, no one shall plant tea in any land which was not planted with tea on the 31st day of March, 1950, unless permission has been granted to him in writing by or on behalf of the Committee, and such permission was in force on the date aforesaid or was granted after that date.

(*2*) The provisions of sub-section (*1*) shall also apply to the replacing of tea areas by planting tea on area not planted with tea to the same extent but not exceeding two per cent in each year of the total permissible acreage of the tea estate as on the 31st day of March, 1950, subject to such replacements being accompanied by simultaneous uprooting of the tea bushes in the area so replaced.

"(*3*) Nothing in this section shall prohibit or be deemed to prohibit the infilling or supplying of vacancies on land planted with tea on the 31st day of March, 1950, or the replanting of tea upon—

(*i*) land planted with tea on the 31st day of March, 1950, from which the original bushes have been uprooted, or

(*ii*) land planted with tea on the 31st day of March, 1948, from which the original bushes have been uprooted."

K. Y. BHANDARKAR,

Secretary to the Government of India.

NOTIFICATION.

No. L.D. 887—Legis. 4-52-20, dated Bangalore, 14th August 1952.

Ordered that the Rubber (Production and Marketing) Amendment Act, 1952 (Central Act No. L of 1952), published in the *Gazette of India*, Extraordinary, Part II, Section 1, dated the 2nd August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

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GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 2nd August 1952.

THE RUBBER (PRODUCTION AND MARKETING) AMENDMENT ACT, 1952

(No. L OF 1952)

AN

ACT

further to amend the Rubber (Production and Marketing) Act, 1947.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Rubber (Production and Marketing) Amendment Act, 1952.

2. **Amendment of section 4, Act XXIV of 1947.**—For clause (*c*) of sub-section (*3*) of section 4 of the Rubber (Production and Marketing) Act, 1947, the following clause shall be substituted, namely :—

"(*c*) two members to be nominated by the Government of Madras, one of whom shall be an official and the other a non-official ;".

K. Y. BHANDARKAR,
Secretary to the Government of India.

NOTIFICATION.

No. L.D. 838—Legis. 4-52-22, dated Bangalore, 14th August 1952.

Ordered that the Indian Companies (Amendment) Act, 1952 (Central Act No. LI of 1952), published in the *Gazette of India*, Extraordinary, Part II, Section 1, dated the 6th August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW.

Received Assent on 6th August 1952.

THE INDIAN COMPANIES (AMENDMENT) ACT, 1952

(No. LI OF 1952)

AN

ACT

further to amend the Indian Companies Act, 1913.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Indian Companies (Amendment) Act, 1952.

2. **Amendment of section 91B, Act VII of 1913.**—In section 91B of the Indian Companies Act, 1913, after sub-section (3), the following sub-section shall be inserted, namely :—

"(4) Notwithstanding anything contained in this section, if, in the case of any public company, the Central Government is of opinion that having regard to the desirability of establishing or promoting any trade, industry or business it would not be in the public interest to apply all or any of the prohibitions contained in sub-section (1), the Central Government may direct, by notification in the Official Gazette, that this section shall not apply to any such public company or shall apply thereto, subject to such exceptions, modifications or conditions as may be specified in the notification."

K. Y. BHANDARKAR,
Secretary to the Government of India.

NOTIFICATION.

No. L.D. 913 –Legis. 4-52-26, dated Bangalore, the 19th August 1952.

Ordered that the Central Tea Board (Amendment) Act, 1952 (Central Act No. LIV of 1952) published in the *Gazette of India* Extraordinary Part II, Section 1, dated the 11th August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

Received Assent on 9th August 1952.

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GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION.

THE CENTRAL TEA BOARD (AMENDMENT) ACT, 1952.

(LIV of 1952).

AN

ACT

further to amend the Central Tea Board Act, 1949.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Central Tea Board (Amendment) Act, 1952.

2. Amendment of section 4, Act XIII of 1949.—In sub-section (*3*) of section 4 of the Central Tea Board Act, 1949 (hereinafter referred to as the principal Act), to clause (*v*) the following proviso shall be added, namely :—

"Provided that it shall be lawful for an official so nominated to depute in the prescribed circumstances another official to attend any meeting of the Board on his behalf."

3. Amendment of section 15, Act XIII of 1949.—In sub-section (*2*) of section 15 of the principal Act, to clause (*b*) the following words shall be added at the end, namely :—

"and the circumstances in which an official nominated by the Central Government under clause (*v*) of sub-section (*3*) of section 4 may depute another official of that Government to attend any meeting of the Board on his behalf."

K. Y. BHANDARKAR,
Secretary to the Government of India.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

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PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES

NOTIFICATION.

No. L.D. 861—Legis. 6-52-30, Bangalore, dated 9th August 1952.

Ordered that Notification No. S.R.O. 1203, dated the 7th July 1952 of the Ministry of Works, Housing and Supply declaring that the provisions of the Indian Boilers Act, 1923 shall not apply in the case of boilers and steam pipes of certain Railways published in the *Gazette of India*, Part II, Section 3, dated the 12th July 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA

MINISTRY OF WORKS, HOUSING AND SUPPLY

New Delhi, the 7th July 1952.

S.R.O. 1203.—In exercise of the powers conferred by sub-section (2) of Section 3 of the Indian Boilers Act, 1923 (V of 1923) and in supersession of the Notification of the Government of India in the late Ministry of Works, Mines and Power No. EL-II/301(2), dated the 8th February 1949, the Central Government hereby declares that the provision of the said act shall not apply in the case of boilers and steam-pipes (not being boilers or steam-pipes in any colliery) which belong to or are under the control of any of the railways specified in the Schedule hereto annexed.

SCHEDULE

1. The Southern Railway.
2. The Central Railway.
3. The Western Railway.
4. The Northern Railway.
5. The North Eastern Railway.
6. The Eastern Railway.
7. The Ahmadpur Katwa Railway.
8. The Arrah Sasaram Railway.

9. The Bankura Damodar River Railway.
10. The Barasat Basirhat Light Railway.
11. The Bombay Port Trust Railway.
12. The Barsi Light Railway.
13. The Bukhtiarpur Bihar Light Railway.
14. The Burdwan Katwa Railway.
15. The Calcutta Port Commissioner's Railway.
16. The Futwa Islampur Railway.
17. The Howrah Amta Railway.
18. The Howrah Sheakhala Light Railway.
19. The Kalighat Falta Railway.
20. The Madras Port Trust Railway.
21. The Shahdara (Delhi) Saharanpur Light Railway.

[No. M/BL-301 (1)/52.]

K. P. MATHRANI, Dy. Secy.

NOTIFICATION. 1082

No. L.D. 865—Legis. 5-52-54, dated Bangalore, 9th August 1952.

Ordered that Notification No. S.R.O. 1189, dated the 30th June 1952 of the Ministry of Food and Agriculture, the Table Potato Grading and Marking Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 12th July 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FOOD AND AGRICULTURE.

New Delhi, the 30th June 1952.

S.R.O. 1189.—In exercise of the powers conferred by Section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (I of 1937), and in supersession of the Notification of the Government of India in the late Department of Education, Health and Lands No. F. 18/43-A, dated the 25th February, 1943, the Central Government hereby makes the following rules, the same having been previously published as required by the said section, namely :—

1. *Short title.*—These rules may be called the Table Potato Grading and Marking Rules, 1950.

2. *Grade designations.*—Grade designations to indicate the quality of table potatoes produced in India shall be as set out in column 1 of Schedules I and II annexed to these Rules.

3. *Definition of quality.*—The quality indicated by the respective grade designations shall be as set out against each designation in columns 2 to 8 of Schedules I and II.

4. *Grade designation marks.*—The grade designation mark shall consist of a label of the design and colour specified in Schedule III in conjunction with the grade designation.

5. *Method of Marking.*—The grade designation mark label shall be securely attached to each container and shall clearly show the following particulars :—

(*a*) Grade designation with the words "table potatoes".
(*b*) Variety or trade name.
(*c*) Net weight.
(*d*) Name of packing station.
(*e*) Date of packing.

6. *Method of packing.*—(1) Containers shall be clean, suitable for the purpose. and shall be securely closed.

(2) The tubers in any container shall be of one grade and reasonably uniform The top layer shall be representative of the entire contents of the package in respect of variety, size, colour and freedom from defects.

SCHEDULE I

Grade designations and definition of quality of Table Potatoes (Oval or long varieties)*

Grade designation	General	Applicable to single tuber's size (minimum diameter in.)	Conformity to variety, etc	Definition or quality			
				Applicable to quantities			
				Tolerances			
				Under-size or over-size	Disease† damage, etc.	Earth and extraneous matter	Maximum aggregate of all defects under columns 5, 6 &
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Extra Special ...	Reasonably clean, healthy potatoes, free from serious defect and suitable for human consumption.	1 5/8 in.**	At least 95% by weight must conform to the variety.	Not more than 2% of the total weight may pass through sieve having circular holes with a diameter of the minimum size specified (in column (3) for the grade; included in this not more than 0·5% of the total weight may pass through a in. mesh.	Not more than 2% of the total weight may consist of appreciably diseased, damaged or unsightly potatoes and included in this amount.	Not more than 2% may be present, the percentage to be calculated on the net weight of screened potatoes.	4% of the total weight.
Special ...	Ditto	1 1/8 in	Ditto	Ditto	Ditto	Ditto	Ditto

*The word "Oval or Long" shall be marked following the grade name on the AGMARK label by means of a rubber stamp.

**When the potatoes have been passed over a riddle of greater mesh than 1 5/8 in., the minimum size may, at the seller's discretion be appended to the grade name *e.g.*, "Extra Special" (2 in., 2·25 in., 2·5 in. etc.) but potatoes which exceed 3½ inches in their smallest diameter shall be excluded from grading.

†1. Any disease or defect the presence of which may be established by cutting open the potato shall be taken into account, and potatoes having cuts, worm and slug holes penetrating into the flesh shall be regarded as damaged.

2. Potatoes affected greenness superficial disease or damage shall not be regarded as diseased or damaged unless more than 1/10 of the surface is so affected.

3. A potato shall only be regarded as being obviously affected with the soft rot, if at the time of inspection, it is squashy or the surface is at some part distinctly broken or wet owing to disease.

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SCHEDULE II

Grade designations and definition of quality of Table Potatoes (round varieties)*

Grade designation	General	Applicable to single tuber's size (minimum diameter in.)	Conformity to variety, etc.	Definition of Quality — Applicable to qualities — Tolerances: Under-size or over-size	Disease,† damage, etc.	Earth and extraneous matter	Maximum aggregate all defects under columns 5, 6 and 7
(1)	(2)	(3)	(4)	(5)	(6)		
Extra special ...	Reasonably clean, healthy potatoes, free from serious defect and suitable for human consumption.	1¾ in.**	At least 95% by weight must conform to the variety.	Not more than 2% of the total weight may pass through seive having circular holes with a diameter of the minimum size specified (in column 3) for the grade; included in this not more than 0·5% of the total weight may pass through a 1 in. mesh.	Not more than 2% of the total weight may consist of appreciably diseased, damaged or unsightly potatoes and included in this amount.	Not more than 2% may be present, the percentage to be calculated on the net weight of screened potatoes.	4% of the total weight.
Special ...	Ditto	1½ in.	Ditto	Ditto	Ditto	Ditto	Ditto

*Potatoes of round varieties shall be packed separately. The word "Round" shall be marked following the grade name on the AGMARK label by means of a rubber stamp.

**When the potatoes have been passed over a riddle of greater mesh than 1¾ in. the minimum size may, at the seller's discretion be appended to the grade name, *e.g.*, "Extra Special" (2in.', 2·25 in., 2·5 in., etc.,) but potatoes which exceed 3¼ inches in their smallest diameter shall be excluded from grading.

† 1. Any disease or defect the presence of which may be established by cutting open the potato shall be taken into account, and potatoes having cuts, worm and slug holes penetrating into the flesh shall be regarded as damaged.

2. Potatoes affected by greenness superficial disease or damage shall not be regarded as diseased or damagad unless more than 1/10 of the surface is so affected.

3. A potato shall only be regarded as being obviously affected with the soft rot, if at the time of inspection, it is squashy or the surface is at some part distinctly broken or wet owing to disease.

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SCHEDULE III

The grade designation mark for potatoes shall consist of the following desig in conjunction with a grade designation :—

The labels will be of the following colour :—

Extra Special	...	White.
Special	...	Red.

[No. F. 4-6/50-Mkt.

N. K. BHOJWANI, Dy. S

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NOTIFICATION.

No. L.D. 866—Legis. 5-52-55, dated Bangalore, 9th August 1952.

Ordered that Notification No. S.R.O. 1202, dated the 7th July 1952 of the Ministry of Communications amending the Indian Telegraph Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 12th July 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA

MINISTRY OF COMMUNICATIONS

(Posts and Telegraphs)

New Delhi, the 7th July 1952.

S.R.O. 1202.—In exercise of the powers conferred by Section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government hereby directs that the following further amendments shall be made in the Indian Telegraph Rules, 1951, namely:—

In the said Rules—

1. For the word 'required', at the end of rule 423, the word 'ignored' shall be substituted.

2. For rule 440, the following rule shall be substituted, namely :—

"440-*Reduced charges.*—Charges at half the rates provided in rule 439 shall be levied for calls between 6 A.M. and midnight on Sundays and telegraph holidays (Rule 78) and for calls between 9 P.M. to midnight and between 6 A.M. and 8 P.M. on all other days.

Charges at one-third of the rates provided in rule 439 shall be levied for calls between midnight and 6 A.M. on all days :

Provided that no reduction shall be made which reduces the charge to less than 6 annas."

3. In rule 443 after the words 'If a call is made from', the words 'or to' shall be added.

[No. R. 3-71/51]

K. V. VENKATACHALAM, Dy. Secy

NOTIFICATION. 1089

BEFORE THE ELECTION TRIBUNAL, MYSORE (BANGALORE).

At Municipal Corporation Building, near Mayo Hall, Civil Station, Bangalore.

In pursuance of the provisions of Sub-Section (1) of Section 90 of the Representation of the People Act, 1951 (XLIII of 1951) the following election petition presented under Section 81 thereof is published for information.

ELECTION PETITION No. 67 OF 1952.

Received by me by registered post this the twen ty-fourlh day of March 1952.

P. N. KRISHNAMANI,
Assistant Secretary,
Election Commission, India.

BEFORE THE ELECTION COMMISSION IN INDIA.

Petitioner.

Sri N. G. Narasimhegowda son of Gujjegowda, aged about 34 years, District Board Member and landlord, residing at Nuggehalli, Channarayapatna Taluk, Hassan District, Mysore State, C/o Sri V. Krishnamurthi, Advocate, 4-Kumara Park Extension, Bangalore-1.

vs.

Respondents.

(1) Sri K. Lakkappa, B.A., LL.B., son of Kalegowda, aged about 35 years, Advocate, Chairman, Rural Development Committee, Hassan District, and Partner, Bharathi Trading and Industrial Company, Hassan, Mysore State.

(2) Sri S. B. Jogannagowda, son of Boregowda, aged about 45 years, landlord, residing at Sosalagere, Nuggehalli Hobli, Channarayapatna Taluk, Hassan District, Mysore State.

UNDER SECTION 81 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951.

The petitioner, abovenamed, submits the following election petition in regard to the election of a candidate from the Channarayapatna Constituency to the Mysore State Legislative Assembly in the Elections held on 16th January 1952:

1. The addresses of the parties to this petition are set out in the cause title.

2. The petitioner and the respondents were the only three candidates who applied for nomination and whose nomination was accepted by the Returning Officer, Channarayapatna Constituency, Hassan District. As a result of election held on 16th January 1952, the first respondent has been declared to be a successful candidate as announced in the *Mysore Gazette*, dated 4th February 1952. The petitioner states that the election is wholly void and/or the return of the first respondent is void for the reasons detailed hereinafter.

3. The result of the election has been materially affected by the improper acceptance of the nomination paper of the first respondent for the following reasons :—

(*a*) The first respondent is a partner of the Bharathi Trading and Industrial Company, a firm registered under the Mysore Partnership Act, 1936. This Firm supplies tiles, wooden frames, windows and all other materials, accessories and all kinds of goods for building construction etc. The first respondent is also the Chairman of the Rural Development Committee for Hassan District appointed by the Government of Mysore and draws a remuneration of Rs. 100 per mensem besides travelling allowances etc. The Bharathi Trading and Industrial Company has both standing tenders and continuing contracts with the Government of Mysore for the supply of building materials required for the working of the Rural Development Department established by the Government of Mysore. On 20th September 1951 the said Firm made a tender to the Deputy Commissioner, Hassan District, Hassan, (Acting on behalf of the Government of Mysore) for the supply of Mangalore tiles of various qualities and also forwarded a cheque for Rs. 250 as earnest money. The same was accepted by the Deputy Commissioner of Hassan by his communication to the Firm dated 4th November 1951. As far as the Petitioner is aware, this tender as well as the acceptance is not limited for any particular period nor has the standing order been terminated in any way by either the Firm or by the Government of Mysore through the Deputy Commissioner, Hassan, who accepted the standing offer as stated above. On the contrary on 8th September 1951 the Deputy Commissioner, Hassan, issued directions to the Bharathi Trading and Industrial Company, Hassan to supply 8,000 flat tiles and 200 ridge tiles required for the reconstruction of the house destroyed by accidental fire in Sulgalale Village in Belur Taluk, Hassan District. The Amildar of Belur was requested to instruct the Special Revenue Inspector to take delivery of the tiles and issue them to the grantees and also to make arrangements to pay the bills in his Office. It will be seen that there was no other correspondence for any fresh contracts springing up in this connection between the + Firm and the Deputy Commissioner, Hassan, and the petitioner states that it is and must be deemed that the order for the supply of the above materials dated 8th September 1951 must be in pursuance of the standing contract referred to above. The supply in pursuance of the order dated 8th September 1951 has continued from that date down to the present and is still continuing and the order has not been completely fulfilled, either by full supply or still less by full payment. When these objections were critically brought to the notice of the Returning Officer, he mis-applied the law and overruled the objection

on the ground that this order might relate to 1950-51 and not to 1951-52 and that the earnest money of Rs. 250 had been returned. The reason adduced by the Returning Officer is entirely baseless and is one which is not countenanced by the law. The only requirement is that there should be a contract which is still subsisting between the candidate and the Government, atleast on the date on which his nomination paper is tendered and/or accepted. The nomination paper was tendered on 20th November 1951 and it was accepted on 25th November 1951. It is immaterial whether the original tender was confined to 1950-51 or any other fresh contract was made subsequently. The substance of the matter is that there was a contract for the supply of goods to or for works undertaken by the appropriate Government. The Petitioner states that since there was a subsisting contract between the said Firm of which the first respondent is a partner and the Government of Mysore his nomination was liable to be rejected under Section 7 (d) of the Representation of the People Act, 1951.

(*b*) The Bharathi Trading and Industrial Company abovenamed has also been transporting Government foodgrains under contracts even to this day and on the date of the tender of the nomination paper by the first respondent and its acceptance, there was subsisting obligations between the Government of Mysore on the one hand and the Firm on the other. This objection was rejected by the Returning Officer on the ground that the provisions of the contract between the Company and the Government in Food Department came to an end on 1st October 1951 and the security amount of Rs. 1,000 deposited with Government was also returned to it. But to this day the bills for these contracts of hire are owing by Government to the Firm and even during the period, between 1st October 1951 and 25th November 1951 and thereafter the Food Department of the Government of Mysore have been taking the lorries of the said Firm on hire and quite obviously the contract is going on in the same manner as before 1st October 1951 with only this exception that the Firm of which the first respondent is a partner is able to carry on the contract even without the deposit of Rs. 1,000 as security. These circumstances also disqualify the first respondent under Section 7 (*d*) of the Representation of the People Act, 1951.

(*c*) The first respondent is a Director of the Karnatak Construction Co., Ltd, Engineers and Contractors, a company registered under the Mysore Companies Act with its Head Office at Davangere City. When this objection was pointed out to the Returning Officer it was contended by the first respondent that he had ceased to be a Director of the Company by virtue of the operation of Article 97 (*f*) and (*j*) of the Articles of Association of the said Company and reliance was placed therefor upon a communication, dated 19th November 1951, which, it will be noticed, is just a day prior to the date on which the nomination paper of the first respondent was tendered. But it was a disqualification existing at the time the Election was ordered by the Hon'ble the President and subsequent processes in election. That communication purports to be addressed by the Company to the first respondent as per copy furnished to this petitioner by the Returning Officer. That communication states that the first respondent tendered his resignation but it is not clear therefrom the date on which the resignation was tendered at all.

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The Articles of Association of the Company are not furnished although applied for. At any rate there has been no compliance with the Articles or still less with the provisions of Section 86 (i) of the Mysore Companies Act or the corresponding Section 86 (i) of the Indian Companies Act. This is a self-serving statement made by the first respondent and there has been no compliance with either the provisions of the Aritcles of Association of the said Company or with the provisions of the Mysore Companies Act which would render the office of the Director of the Company held by the first respondent vacant. He did not either in fact or in law cease to be a Director during all the relevant periods and therefore his nomination was liable to be rejected. That Company admittedly took up three contracts with the Government of Mysore for the construction of buildings undertaken by the said Government. The first respondent sought to rely upon a communication made to him by the said Company, dated 19th November 1951, pleading an excuse that the two works had been completed long back and one work was closed by the Engineering Department, apparently of the Government of Mysore. But these are specious excuses without any basis in fact or substance in law. As a matter of fact, the bills for the contracts undertaken by the said Company are still pending and are not settled.

(*d*) The Bharathi Trading and Industrial Company has also borrowed a sum of Rs. 50,000 from the Government of Mysore. The appropriate Government has obviously financial interest in the Company. In fact, but for the active interest of the first respondent the loan would never have been advanced by the appropriate Government to the Company.

(*e*) The several contracts between the appropriate Government as aforesaid and the Bharathi Trading and Industrial Company and the Karnatak Construction Company, Ltd., are all contracts for the supply of goods to and the execution of contracts undertaken by the appropriate Government by a body of persons in trust for the first respondent acting for the first respondent and for his benefit or for his benefit or on his account.

(*f*) The petitioner also states the first respondent was not entitled to be nominated a candidate inasmuch as his name is not in the electoral roll of the constituency. The Returning Officer held on objection that Serial No. 130 Block No. 2, Hassan Town Municipality, refers to the first respondent. It may be noted that the name in the electoral roll is "Lakshmappa" and not "Lakkappa" as noted in Column 2 of the nomination paper. The Returning Officer thought that "Lakshmappa" must be a printing error. That cannot be because the original and final voters' list both contain the same description and quite obviously the first respondent did not take any steps to have the matter rectified.

(*g*) The Mysore Ordinance No. IV of 1951 *re*: the Amendment of the Mysore Legislature (Prevention of Disqualification) Act, 1951, is *ultra vires* and is in contravention of constitutional provisions. In consequence, the candidature, nomination and election of the first respondent is altogether void.

4. In regard to the acceptance of the nomination paper of the second respondent also, the petitioner submits that the same is vitiated in law.

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The second respondent and his son Sri Kantaraj are members of an undivided Hindu joint-family of which the respondent is the manager. The second respondent has through his son, the said Sri Kantaraj, entered into a contract with the Government of Mysore for the construction of a Local Fund Dispensary at Didiga in Channarayapatna Taluk, Hassan District. The contract is to be performed by joint family funds and efforts and the case falls specifically and falls within Section 7(d) of the Representation of the People Act, 1951, and therefore the nomination paper of the second respondent was also liable to be rejected.

5. The above improper acceptances of nominations have materially affected the election. If these improper acceptances are removed, then the petitioner was bound to be returned as the sole candidate standing out for election and the only candidate duly liable to be nominated. At any rate the election is wholly void on that account and the petitioner pleads it alternatively to his claim that he should have been returned as sole candidate duly nominated. Even if either be improper, the result of the elections has been materially affected thereby.

6. The petitioner also submits that there are serious omissions and infractions of, and non-compliance with, mandatory provisions of, law for the safety and due preservation of the ballot boxes used in the constituency. The petitioner submits that he brought it to the notice of the Returning Officer that seals and signatures of his agents put on the ballot boxes on 16th January 1952, were found at the time of counting, namely on 27th January 1952, to have been tampered with. The petitioner complained in writing about it to the Returning Officer. But his complaint was not heeded to. Many of the boxes also did not contain the signatures of petitioner's agents on slips and seals put by the agents and the petitioner's complaint in that matter was that the slips were spurious and not original ones which had been duly signed and placed on the ballot-boxes pertaining to the ballot papers cast in favour of the petitioner. The signatures of the presiding officers of many of the booths also seemed to have been tampered with and the signatures were neither legible nor proper.

7. On 20th January 1952 the strong room, namely, the police lock-up at Channarayapatna Town, where the ballot boxes were kept was found to be opened in the presence of the brothers of Sri K. Lakkappa, the first respondent, who worked for him in the election. In regard to this matter complaints were made by the petitioner to the Returning Officer and also to the Election Commissioner, Government of India, New Delhi, by a petition sent by registered post on 19th January 1952. Earlier, it is learned by the petitioner, on 18th and 19th January, 1952, also the said strong room was opened and there was remonstrance by the several local people at the action of the authorities in opening the lock-up where ballot boxes were kept sealed. The protests were not heeded to. The petitioner found on 27th January 1952 at least 39 boxes pertaining to him were found tampered with as above stated. The petitioner submits that the result of the election has been materially affected by the non-compliance with the provisions of the Constitution, *viz.*, Representation of the People Act, 1951, and the Rules and Orders made

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under that Act and by serious non-compliance with the rules for the safety of the ballot boxes between the conclusion of the poll and the counting of the votes.

8. The petitioner submits in regard to these incidents and circumstances as to the ballot boxes, that though they do not fall specifically under corrupt or illegal practices resorted to by a candidate as such, still they are serious infringements of the law and if the Tribunal hearing the petition directs that particulars are to be furnished the petitioner craves leave for liberty to do so and submits that he is ready and willing to obey any such directions.

9. The petitioner has complied with the provisions relating to lodging of accounts for election expenses. The petitioner has also complied with the requirements of the deposit of security for costs and herewith appends a receipt for the deposit of Rs. 1,000 in the Mysore Government State Huzur Treasury.

Wherefore the petitioner prays that the election of the first respondent to the Mysore State Legislative Assembly from the Channarayapatna Constituency may be declered to be void and the petitioner be duly declared elected and/or the election be declared to be wholly void, with such proper directions as to costs and otherwise as the Tribunal hearing this petition may deem fit to pass.

(Sd.) Advocate.

(Sd.) N. G. NARASIMHEGOWDA,
Petitioner.

I, N. G. Narasimhegowda, the petitioner abovenamed, do hereby declare what is stated in paragraphs 1 to 9 is true to the best of my knowledge, information and belief.

Bangalore,
25th February 1952.

(Sd.) N. G. NARASIMHEGOWDA.

Any other candidate may apply to the Election Tribunal for being impleaded as a respondent within fourteen days from the date of this publication.

V. KANDASWAMI PILLAI,
Chairman.

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NOTIFICATION.

BEFORE THE ELECTION TRIBUNAL, MYSORE (BANGALORE).

At Municipal Corporation Building, near Mayo Hall, Civil Station, Bangalore.

In pursuance of the provisions of sub-section (1) of Section 90 of the Representation of the People Act, 1951 (XLIII of 1951) the following election petition presented under Section 81 thereof is published for information.

ELECTION PETITION No. 121 OF 1952.

Received by me this Ninth day of April 1952, by registered post.

P. S. SUBRAMANIAN,
9th April 1952.

IN THE COURT OF THE ELECTION COMMISSION OF INDIA, DELHI.

Petitioner.—Sri M. C. Linge Gowda, aged about 65 years, Hindu, Residing at Maddur, Mandya District, Mysore State

Versus

Respondent.—Sri M. K. Shivananjappa B.A., LL.B., aged about 33 years, Hindu, Residing at Mandya Town, Mysore State.

Subject.—Regarding the Election for the seat of the House of People from Mandya Constituency, Mysore State.

Under Section 81 of the Mysore State Representation of the People Act, 1951.

The petitioner abovenamed begs to state as follows :—

(1) That for the purposes of summons and notices, the address of the parties is as given above.

(2) The petitioner and the respondent were the only candidates to the election for the seat to the House of People from Mandya Constituency, Mysore State, held in January, 1952. The respondent who is a Congress nominee has been declared elected and 28th March 1952 was the last date for filing the election expenses. Hence this petition is within time. The petitioner is calling into question the aforesaid election of the respondent under Section 100 and 101 of the Representation of the People Act, 1951, on the following grounds :—

(3) The election has not been a free and fair election by reason of innumerable congressmen and persons in power and authority of the Government openly canvassing and thereby coercing and intimidating the voters from

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exercising their votes freely according to their free will. That some of the Ministers of the Mysore Government including Sri K. C. Reddy, Chief Minister, Sri T. Mariappa, Home Minister, Sri K. T. Bhashyam, Law Minister, Sri H. C. Dasappa, Finance Minister, extensively toured this constituency and delivered many lectures holding out promises and threats and thereby unduly influenced the voters to cast their votes in favour of the respondent who is a Congress nominee.

(4) That the respondent and his agents and the men belonging to the Congress party have extensively resorted to various corrupt and illegal practices and have brought to bear undue influence on the voters and the entire election is vitiated in law.

(5) The respondent and his agents have practised personation on a very large scale all over the constituency in about 355 polling booths. The votes of dead persons have been exercised and the votes of innumerable persons who have not turned up to the polling booths have been cast in favour of the respondent. All this is done deliberately at the specific instructions of the respondent and his agents with a view to get himself elected by illegal practices and he is therefore disqualified from being declared as a candidate to the House of People.

(6) For instance, in Gejjalgeri polling booth alone voters Nos. 29—Lingamma, wife of Kolapale Gowda; 103—Ammannamma, wife of Siddiah; 141—Devamma, wife of Bettachari; 476—Hombalamma, wife of Malliah who are all dead, and their votes have been exercised in favour of the respondent. Similarly in a booth of Channapatna Town, voters Nos. 1184, Nacharamma and 1185—Kamalamma and No. 884 in booth No. 2, Gilan Sab, son of Usman Sab, are dead and their votes have been exercised in favour of the respondent at the instance of the respondent and his block relatives and agents. Since this has taken place all over the constituency, the election of the respondent is vitiated in law.

(7) In one of the Buthana Honsur Village Polling Booth, a Sugar Factory Employee, who is under the control of the Chairman of the Sugar Company, Ltd., was found introducing several ballot papers into the respondent's ballot box and he was handed over to the Police immediately.

(8) The result of the election has been materially affected by the fact that Sri A.G. Bandigowda, the Chairman of the Mandya Sugar Factory, managed by the Government and in which the Government has an interest of 60 per cent and who is a public servant, was not only the Chairman of the Congress Party Publicity Committee of Mandya District but also he has brought undue influence to bear upon the cane grower voters and factory and farm labourers in various ways and he has also influenced several of his subordinates to openly canvass for the Congress party nominee and consequently in the entire cane growing area the petitioner has secured lesser number of votes than the respondent. The Legal Adviser of the Sugar Company Sri T. V. Rudrappa, the Cane Superintendent of the Sugar Factory, who is a lent officer of the Government (an Assistant Commissioner), several Cane Supervisors, some of whom are lent officers of the Government of Mysore, Fieldmen and other employees of the Sugar Company have openly canvassed

in favour of the respondent. There are about 5,000 labourers working under Sugar Company and they hail from all parts of the Mandya Constituency and were in a position to influence every voter in the constituency.

9. The Chairman and his subordinates have shown several concessions to the cane growers in the area immediately before the elections with a view to induce the voters to vote in favour of the Congress party. They have purchased non-contracted sugar-cane of about 40,000 tons both immediately before and after the elections giving them a huge unexpected profit of more than Rs. 30 per ton, and contrary to the usual practice have advanced other instalments along with the first instalment or immediately thereafter, in order to induce the voters. He has also induced the cane grower voters by issuing an appeal to them as Chairman of the Sugar Company, and also holding meetings and delivering lectures and inducing voters wherever he went. On the election days also he visited almost all the booths in the Parliamentary constituency inducing the voters to vote for his party nominees.

10. Several automobile vehicles, cars, lorries and zeeps belonging to the Sugar Company were freely used to canvass and to secure votes and voters. Sri H. K. Veeranna Gowda, who is the Chairman of the Sugarcane Cess Fund Committee, controlling about 50 lakhs of rupees of Government money with other influential Committee Members and which money as intended for the improvement of communications and health conditions in sugarcane area went about canvassing and inducing the voters to vote in favour of the Congress party whose nominee is the respondent.

11. Sri K. V. Shankare Gowda, who is the Chairman of the Mandya District Development Committee, and who is dealing with large sums of Government money for the amelioration of the rural people in Mandya District toured the constituency extensively and openly canvassed and influenced voters all over the constituency. He is also a member of the Sugarcane Cess Committee.

12. It is therefore clear that there was no fair election at all and the entire election is invalid in law. All these illegalities are perpetrated within the knowledge and connivance of the respondent and his agents and but for the aforesaid illegal and corrupt practices practised on a large scale, the respondent would not have got so many votes and would have got lesser number of votes than the petitioner. The respondent is not entitled to be declared as an elected candidate, as he is responsible for the aforesaid illegal and corrupt practices and the petitioner is entitled to be declared as a candidate to the seat in the House of People from Mandya constituency.

13. The respondent has not kept and rendered proper and valid accounts of his election expenses and the amount of money spent by him for the election is much more than the maximum amount prescribed for the election of the House of People. The respondent is therefore disqualified from becoming a member and the petitioner is therefore entitled to be declared as elected for the said seat.

14. The petitioner has already filed the correct election expenses to the Returning Officer and he has also deposited Rs. 1,000 in the Government Treasury as required under law and the challan is herewith enclosed.

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Wherefore the petitioner prays that the election of the respondent may be declared as illegal and the petitioner may be declared as duly elected to the House of People from the Mandya constituency in the interests of justice and equity.

M. C. LINGE GOWDA,
Petitioner.

7th April 1952.

I, the petitioner abovenamed do hereby solemnly affirm and declare that what is stated above in paras 1 to 14 are true to the best of my knowledge, information and belief.

M. C. LINGE GOWDA,
Petitioner.

7th April 1952.

Any other candidate may apply to the Election Tribunal for being impleaded as a respondent within fourteen days from the date of this publication.

V. KANDASWAMI PILLAI,
Chairman.

NOTIFICATION.

BEFORE THE ELECTION TRIBUNAL, MYSORE (BANGALORE).

At Municipal Corporation Building, near Mayo Hall, Civil Station, Bangalore.

In pursuance of the provisions of sub-section (1) of Section 90 of the Representation of the People Act, 1951 (XLIII of 1951), the following election petition presented under Section 81 thereof is published for information:—

ELECTION PETITION No. 135 OF 1952.

Received by me this the fourteenth day of April 1952 by registered post.

P. S. SUBRAMANIAN,
Secretary, Election Commission,
India, 14th April 1952.

BEFORE THE ELECTION COMMISSION OF THE REPUBLIC OF INDIA, DELHI.

Petitioner:
Sri Shankaregowda, son of Shankaregowda, Age 49 years, Caste—Vokkaligar, Occupation—Agriculture and trade. Address—Doddakoppalur Village, Haleyur Dakle, Chunchanakatte Hobli, Krishnarajanagar Taluk (Periyapatna Constituency).

Respondents:
1. S. M. Mariappa, son of Malaligowda, Age 35 years, Caste—Kurubar, Occupation—Agriculture and trade. Address—Sundaval, Periyapatna Taluk.
2. H. M. Channabasappa, son of Muddubasappa, Age 45 years, Caste—Lingayet, Occupation—President, District Board, Mysore.

Under sections 81 and 83 of the Representation of the People Act, 1951.

The petitioner abovenamed begs to state as follows:—

1. That the 1st and 2nd respondents were duly nominated candidates at the election of the Periyapatna constituency held on 24th January 1952 and that the 1st respondent is the candidate who is declared as the returned candidate—belongs to Kurubar community and the 2nd respondent comes from the Lingayet community.

2. That the petitioner is an elector of the said Periyapatna constituency and he was entitled to vote as the election to which this election petition relates.

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3. That the election of the 1st respondent as the returned candidate is void for the following among other grounds :—

(*a*) That the election has not been a free election by reason that corrupt practice of bribery and undue influence has extensively prevailed at the election.

(*b*) That the election has not been a free election by reason that coercion or intimidation has been exercised or resorted to by the returned candidate and his agents not to vote for the 2nd respondent on communal grounds.

(*c*) That it has not been a free election by reason that the returned candidate, his agents and other persons with the connivance of the said candidate and agents have published statements in relation to the personal character and conduct as detailed in the list appended, which are false—being statements reasonably calculated to prejudice the prospects of the 2nd respondent's election.

(*d*) That the 1st respondent and his agents have made payment for hiring carts and other vehicles, propelled by mechanical power to procure voters to the polling booths.

(*e*) That the election has not been a free election by reason that the returned candidate and his agents have made systematic appeal to vote on grounds of caste and community for the furtherance of the prospects of the returned candidate and to the prejudice of the interest of the 2nd respondent.

(*f*) That it has not been a free election by reason that there was undue influence by officials such as teachers, patels and shanbhogues and threat, coercion and intimidation has been resorted to.

(*g*) That it has not been a free election by reason that bribery has been resorted to and that patels and shanbhogues have been offered bribes to influence votes and assist the furtherance of interests of the returned candidate.

(*h*) That there was feeding of voters at Periyapatna, Hosur and other places by the returned candidate and his agents, on the date of election, *i.e.*, 24th January 1952.

(*i*) That the candidate and his agents have incurred unauthorised expenditure and the return of election expenses made by the returned candidate is not correct on material facts. The returned candidate has spent much more than what is permitted under law.

(*j*) That it was not a free election by reason of illegal practices inasmuch as unauthorised expenses were incurred on behalf of the returned candidate by persons other than the returned candidate and his Agents, such as Janab Gaffur Khan of Gundlupet, Sri Srinivasa Iyengar of T.-Narsipur and Sri V. K. Nanjundiah of Gundlupet for purposes of public meetings, publication and other propaganda in Periyapatna Constituency just before election.

(*k*) That there were cases of double voting such as that of Sri Sannamotegowda of Doddakoppal in Haleyur and Kuppe polling booths—taking of ballot papers in fictitious names and in the names of persons who are dead by the returned candidate and his agents.

(*l*) Removal of ballot papers outside the booth evidenced by the presence of parliament ballot papers in Assembly boxes along with torn and squeezed ballot papers—a fact which is recorded by the Returning Officer.

4. That the list of particulars of corrupt and illegal practices and false statements, including as full a statement as possible of the names of the parties who have committed such corrupt and illegal practices and who have propagated such false statements are appended to this petition as per Section 83 (2) of the Act.

5. That the above corrupt practices have materially affected the result of the election and but for this the 2nd respondent should have been declared as the returned candidate.

6. That as per Section 67 of the Act, the report of the election that the 1st respondent was declared as the returned candidate was on 27th January 1952 and that a notice to the effect that the return of his election expenses and the declaration made in respect thereof have been lodged with the Returning Officer, was published in the Official Gazette of Mysore on 31st March 1952 and this petition is consequently presented in time.

7. That a sum of Rs. 1,000 (One thousand only) as per Section 117 of the Act is deposited in the District Treasury, Mysore as per challan, dated 11th April 1952, herewith produced as security for the costs of this petition.

8. That the difference in votes is very small being only a few hundreds compared with the heavy polling that has taken place in the constituency and that the 2nd respondent's failure is due to the fact that the election was very much influenced by corrupt practices on the part of the 1st respondent and his agents.

9. Wherein the petitioner prays that an order be passed—

(*a*) declaring the election of the returned candidate to be void ;

(*b*) that the costs of this petition be directed to be paid by the 1st respondent ;

(*c*) for such further and other relief as the Tribunal deems fit to grant under the circumstances of the case.

(Sd.) ಶಂಕರಗೌಡ.

I, the petitioner abovenamed, do hereby declare that what is stated above is true to my knowledge. I sign this verification in Mysore on 12th April 1952.

(Sd.) ಶಂಕರಗೌಡ.

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I. List of particulars of corrupt and illegal practices alleged in the accompanying petition under Section 83 (2).

1. *Bribery.*—Pecuniary gratifications and entertainments including offer of moneys to institutions such as Rs. 4,000 to the Gurukula High School at Chunchanakatte to secure the support of the Managing Committee and through it the votes of all the surrounding villages, etc., and offer of Rs. 4,000 to Hospital at Makodu in exchange for votes, etc.

2. *Undue Influence.*—Threatening, intimidation and coercion including social ostracism.

3. Procuring of ballot paper for voting at two places and in fictitious names.

4. Removal of ballot paper from polling station.

5. Publication and propagation of the following false statements regarding the personal character and conduct of the 2nd respondent.

x x x x

(*a*) "ಕುರಿಕಾಯುವ ಕುರುಬನಿಗೂ ಮತ್ತು ಹೊಲ ಉಳುವ ಒಕ್ಕಲಿಗನಿಗೂ ರಾಜ್ಯಭಾರ ಮಾಡುವುದಕ್ಕೆ ಅರ್ಹತೆ ಇದೆಯೆ? ಎಂದು ಚನ್ನಬಸಪ್ಪನವರು ಹೊಸೂರು, ರಾವಂದೂರು ಮುಂತಾದ ಅನೇಕ ಕಡೆಗಳಲ್ಲಿ ಹೇಳಿದ್ದಾರೆ."

x x x x

(*b*) "ಚನ್ನಬಸಪ್ಪನವರು 20 ಸಾವಿರ ರೂಪಾಯಿಗಳನ್ನು ಬಡವರಿಗೆ ಹಂಚಲು ಸರ್ಕಾರದಿಂದ ತರಿಸಿಕೊಂಡು ಎಲ್ಲವನ್ನೂ ತಾವೇ ದುರುಪಯೋಗಪಡಿಸಿಕೊಂಡು ಜನರಿಗೆ ದ್ರೋಹ ಮಾಡಿದ್ದಾರೆ."

x x x x

(*c*) "ಮುಸಲ್ಮಾನರೆಲ್ಲರೂ ದೇಶದ್ರೋಹಿಗಳು. ಇವರ್ಯಾರೂ ನಮ್ಮ ದೇಶದವರಲ್ಲ. ಎಲ್ಲರನ್ನೂ ಪಾಕೀಸ್ಥಾನಕ್ಕೆ ಕಳುಹಿಸಬೇಕೆಂದು ಚನ್ನಬಸಪ್ಪನವರು ಗುಂಡ್ಲುಪೇಟೆಯಲ್ಲಿ ಭಾಷಣ ಮಾಡಿದ್ದಾರೆ."

6. Payment of cart-hire to bring voters to polling booths.

7. Systematic appeal to vote on the basis of caste and community.

8. The procuring and attempt of procure the assistance and influence of Government officials like patels, shanbhogues and teachers.

9. Incurring of expenses on account of public meetings, propaganda, etc., by persons not authorised to do so by the returned candidate.

(Sd.) ಶಂಕರಗೌಡ.

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II List of persons who have committed the corrupt practices.

Sriyuts—

1 S. M. Mariyappa (Returned Candidate) Zamindar, Sundaval, Periyapatna Taluk.

2 Kariyappa, B.A., Komalapura, Periyapatna Taluk.

3 T. Venkataram, B.A., Taluk Development Committee Chairman, Periyapatna.

4 Kariyappa, Kandagala, Periyapatna Taluk.

5 Marigowda, Sangarasettyhally, Periyapatna Taluk.

6 Kannegowda, Sangarasettyhally, Periyapatna Taluk.

7 Thalaki Javaregowda, Sangarasettyhally, Periyapatna Taluk.

8 Dodda Anniah *alias* D. Dasanna, Kittoor, Periyapatna Taluk.

9 D. Devegowda, son of Devegowda, Doddakoppal, Chunchanakatte Hobli, Krishnarajanagar Taluk.

10 Hutchegowda, son of Hutchegowda, Doddakoppal, Chunchanakatte Hobli, Krishnarajanagar Taluk.

11 H. Karigowda, son of Hutchegowda, Chikkakoppal Kuppe Dakhale, Chunchanakatte Hobli, Krishnarajanagar Taluk.

12 Javaregowda, son of Muduki Devegowda, Arenahally, Periyapatna Taluk.

13 A. S. Kalegowda, son of Sannegowda, Arenahally, Periyapatna Taluk.

14 S. P. Javaregowda, Sundaval, Periyapatna Taluk.

15 N. M. Lakkegowda, Nilangala, Periyapatna Taluk.

16 S. Raju, B.A., LL.B., Advocate, Nanjangud.

17 Chandrasekhar, son of Sowcar Gurubasappa, Mysore.

18 Ravandur Puttabasappa, son of Muddappa, Satyagala, Periy apatna Taluk.

19 Sowcar Dodda Kotegowda, Zamindar, Mirle, Krishnarajanagar Taluk.

20 Sowcar S. H. Thammiah, Zamindar, Saligrama.

21 Ananthamurthy, Kemplapur, Periyapatna Taluk.

22 Gaffar Khan, Municipal President, Gundlupet.

23 Srinivasa Iyengar, Municipal President, T.-Narsipur.

24 V. K. Nanjundiah, Gundlupet.

25 Venkat aramana Gowda, Doddanerale, Periyapatna Taluk.

26 Cheluviah, B.A., Assistant Teacher, District Board High School, Bettadapur.

27 Heggadi Th ammiah, Chikkakoppal, Chunchanakatte Hobli, Krishnarajanagar Taluk.

28 A. Venkate gowda, Patel, Haleyur, Krishnarajanagar Taluk.

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III. List of places wherein each of the corrupt practices took place.

Particulars of corrupt practice	Places
1. Bribery ...	Chunchanakatte Chikkakoppal Hitne Hebbagil Billahally Periyapatna Ayathanahally Hitnahally Handithavally Honnehally Bettadapur Honnapur Anivalu Tunga Hunsavadi Alanahally Naralapura Attigodu Makodu
2. Undue Influence ...	Kittoor and its Koppals Chikkakoppalu
3. Procuring of ballot papers for double voting and in fictitious names.	Haleyur, Kuppe and Periyapatna Polling Stations.
4. Removal of ballot papers outside polling stations.	Parliament ballot papers found in Assembly Box. A ballot paper was squeezed and torn and found in Assembly Box. This is recorded by the Returning Officer.
5 Publication of false statements ...	Throughout the constituency.
6. Payment of cart hire ...	Kogilur, Benaganahally Poonadahally, Ankanahally, Muddanahally and Nilavadi.
7. Systematic appeal for vote on communal ground.	Throughout the Constituency
8. Procuring or attempt to procure influence of Government servants.	Bettadapur, Haleyur, Harnahally, Hunsavadi, Nilavadi, Avarthi, Handithavally.
9. Incurring unauthorised expenses ...	Halanganahally, Periyapatna, Makodu.

IV. Dates on which the corrupt practices took place.

From 1st January 1952 to 24th January 1952.

(Sd.) ಶಂಕರಗೌಡ.

I, the petitioner abovenamed do hereby declare that what is stated above is true to my knowledge. I sign this verification in Mysore on 12th April 1952.

(Sd.) ಶಂಕರಗೌಡ.

Any other candidate may apply to the Election Tribunal for being impleaded as a respondent within fourteen days from the date of this publication.

V. KANDASWAMI PILLAI,
Chairman.

NOTIFICATION. 9105

No. L.S. 2445—L.W. 101-52-12, dated Bangalore, 12th August 1952.

Ordered that the following notifications of the Ministry of Labour, Government of India, under the Employees State Insurance Act, 1948, be published in the *Mysore Gazette* for general information :—

1. Government of India Notification No. SS. 131 (9), dated 21st November 1951.

2. Government of India Notification No. SS. 131 (56), dated 21st November 1951.

3. Employees' State Insurance Notification No. RS. 9—52-A, dated 16th February 1952.

4. Employees' State Insurance Notification No. RS. 9—52-B, dated 16th February 1952.

5. Government of India Notification No. SS. 122 (25), dated 5th March 1952.

6. Government of India Notification No. SS. 121 (9), dated 1st February 1952.

7. Government of India Notification No. SRO 252 (published in Part II, Section 3 in the Gazette of India, dated 9th February 1952) dated 1st February 1952.

8. Government of India Notification No. SS. 105 (199), dated 12th May 1952.

9. Government of India Notification No. SS. 121 (60), dated 21st May 1952, (to be published in the Gazette of India, Part II, Section 3 as an S.R.O.).

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, dated the 21st November 1951.

NOTIFICATION.

No. SS. 131 (9).—In pursuance of sub-section (5) of Section 73-A of the Employees' State Insurance Act, 1948, (XXXIV of 1948), the Central Government hereby gives notice of its intention to fix after the expiry of a period of two months from the date of this Notification, the following percentage of the total wage bill of the employer which shall constitute the employer's special contribution :—

(*a*) in the case of factories and establishments situate in any area in which the provisions of both Chapters IV and V of the said Act are in force, 1¼ per cent of the total wage bill;

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(*b*) in the case of factories and establishments situate in any other area, ¾ per cent of the total wage bill.

N. M. PATNAIK,
Deputy Secretary to the Government of India.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, dated the 21*st November* 1951.

NOTIFICATION.

No. SS. 121 (56).—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948, (XXXIV of 1948), the Central Government hereby appoints (*a*) the 24th day of November 1951, as the date on which the provisions of Chapters I, II, III, VII and VIII and Sections 44 and 45 of Chapter IV of the said Act, shall come into force in all Part B States except the State of Jammu and Kashmir, (*b*) the 24th day of November 1951, as the date on which the provisions of Chapter V-A of the said Act shall come into force in the whole of India except the State of Jammu and Kashmir.

N. M. PATNAIK,
Deputy Secretary to the Government of India.

EMPLOYEES STATE INSURANCE CORPORATION.

NOTIFICATION.

New Delhi—2, *dated the* 16*th February* 1952.

No. R.S. 9—52-A.—In exercise of the powers conferred under Section 73-E of the Employees' State Insurance Act, 1948, as amended by the Employees' State Insurance (Amendment) Act, 1951, the Employees' State Insurance Corporation has approved forms SC—1 and SC—2 annexed for submission of information and returns by principal or immediate employer. These forms are hereby published for general information.

The Corporation has also decided that further particulars necessary in any particular case or class of cases may be asked for by the Director-General, or if authorised by him, the Insurance Commissioner, the Deputy Insurance Commissioner, a Regional Director or an Assistant Insurance Commissioner.

MINISTRY OF LABOUR.

EMPLOYEES' STATE INSURANCE CORPORATION.

'P' BLOCK, RAISINA ROAD,
New Delhi-2, *dated the* 16*th February* 1952.

No. RS/9/52/B.

NOTIFICATION.

In exercise of the powers conferred under Section 73-E of the Employees' State Insurance Act, 1948, as amended by the Employees' State Insurance (Amendment) Act, 1951, all Principal Employers, as defined under the Employees' State Insurance Act, 1948, situated in the Indian Union, excluding the State of

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Jammu and Kashmir, are hereby required to furnish the information in Form SC-1, within 21 days from the date of issue of the form, to the authority specified in Column 2 hereunder against the State in which the employer's factory is situated.

All Principal Employers, as defined under the Employees' State Insurance Act, 1948, situated in the Indian Union, excluding the State of Jammu and Kashmir, are also hereby required to furnish for every quarter ending on the last day of the calendar months of March, June, September and December, return in Form SC-2 within a period of 45 days from the last day of such quarter to the authority specified in Column 2 hereunder against the State in which the employer's factory is situated.

Column No. 1	Column No. 2
States	Authority to whom the information is to be supplied
* * * * * * *	
The States of— (a) Madras, (b) Hyderabad, (c) Mysore, (d) Travancore-Cochin and (e) Coorg.	Regional Director, Employees' State Insurance Corporation, Madras.
* * * * * * *	

Forms SC-1 and SC-2 are published with Notification No. RS/9/52-A, dated the 16th February 1952, and copies may be obtained from the Regional Director concerned on application.

By Order of the Corporation,

C. L. KATIAL,
Director-General.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 5th March 1952.

NOTIFICATION.

No. SS. 122(25).—In pursuance of the powers conferred by Section 73-B of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby specifies that the following authorities, shall decide any question or dispute

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arising in respect of the employers' special contribution payable or recoverable under Chapter V-A of the said Act, within their respective jurisdictions :—

Name of State	Authority empowered to hear disputes under Chapter V-A of the Employees' State Insurance Act, 1948	Jurisdiction
	PART A.	
*	* * *	* *
Madras ...	1. The Commissioner for Workmen's Compensation, Madras.	Madras City.
	2. The Additional Commissioner for Workmen's Compensation, Madras (Assistant Commissioner of Lobour).	Districts of North Arcot, South Arcot, Chingleput, Coimbatore, South Kanara, Malabar, Mathurai, Niligiris, Ramanathapuram, Salem, Tanjore, Tiruchirapalli and Tirunelveli.
	3. The Additional Commissioner for Workmen's Compensation, Madras (Additional Assistant Commissioner of Labour).	Districts of Anantapur, Bellary, Chittoor, Cuddappah, Guntur, East and West Godavari, Krishna, Kurnool, Nellore, Vishakapatnam and Srikakulam.
*	* * *	* *
	PART B.	
Mysore ...	The Industrial Tribunals in Mysore.	.....
*	* * *	* *
Travancore-Cochin.	The Chairman, Industrial Tribunals at (1) Trivandrum, (2) Alleppey, and (3) Ernakulam.	.....
	PART C.	
Coorg ...	1. Munsiff-Magistrate, Mercara. 2. Munsiff-Magistrate, Virajpet.	In their respective jurisdiction.
*	* * *	* *

K. N. NAMBIAR,
Under Secretary.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 1st February 1952.

NOTIFICATION.

No. SS. 131(9).—In pursuance of the powers conferred by sub-section (3) of Section 73-A of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby fixes the employer's special contribution with effect from the 24th of February 1952, as follows :—

(i) the rate of employer's special contribution in the case of factories or establishments situated in an area in which the provisions of both chapters IV and V are in force shall be $1\frac{1}{4}$ per cent of the total wage bill of the employer;

(ii) the rate of employers' special contribution in the case of factories or establishments situated in an area in which the provisions of the said chapters are not in force shall be $\frac{3}{4}$ per cent of the total wage bill of the employer.

S. NEELAKANTAM,
Deputy Secretary.

GOVERNMENT OF INDIA

MINISTRY OF LABOUR.

New Delhi, the 1st February 1952.

NOTIFICATION.

S.R.O. 252.—Whereas in order to give effect to the provisions of Chapter V-A of the Employees' State Insurance Act, 1948, it is necessary to amend the Employees' State Insurance (General) Regulations in certain respects :—

Now, therefore, in exercise of the powers confered by Section 73-H of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby makes the following Order :—

1. *Short title and commencement.*—(1) This Order may be called the Employees' State Insurance Regulations (Temporary Amendments) Order, 1951.

(2) It shall come into force on the 24th February 1952 and shall remain in force only so long as Chapter V-A of the Act is in force.

2. *Definitions.*—In this Order, 'Act' means the Employees' State Insurance Act, 1948 (XXXIV of 1948).

3. *Temporary amendments of regulations.*—So long as the provisions of Chapter V-A of the Act are in force the Employees' State Insurance (General) Regulations, 1950, shall have effect subject to the following modifications, namely :

(1) To Clause (*f*) in Regulation 2, the following shall be added, namely :—

" and shall include for the purpose of these regulations a token stamp issued to indicate that a contribution would have been payable in respect of an exempted employee if the provisions of Chapter V-A were not in force ".

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(2) To Regulation 29, the following proviso shall be added, namely :—

"Provided that in the case of an exempted employee in respect of whom contributions would have been payable if the provisions of Chapter V-A of the Act had not been in force, the fact that such contribution would have been so payable shall be indicated by affixing a token stamp on the contribution card of that employee in the space provided for the purpose."

(3) To Regulation 31, the following provis) shall be added, namely .—

"Provided that, in the case of an exempted employee the token stamp in respect of any week shall be affixed within such time as the contribution in respect of that week wood have been payable if the provisions of Chapter V-A had not been in force."

(4) For Regulation 35, the following regulation, shall be substituted, namely :—

"35. *Reasons for non-payment of contributions.*—Where no contribution is payable or in the case of an exempted employee, so long as Chapter V-A is in force, where no token stamp is affixed in respect of a week or weeks in any contribution period, the reason for non-payment or non-affixation shall be clearly indicated in writing in the space provided for affixing stamps for recording contribution."

(5) In Form 2, in the tabular statement under the heading "summary of stamps affixed/or contribution paid", in Column (2) for the figures "0-7-0", "0-9-0", "0-12-0", "1-2-0", "1-8-0", "2-1-0", "2-13-0", "3-12-0", the words and figures "Nil", "0-2-0", "0-4-0", "0-6-0", "0-8-0", "0-11-0", "0-15-0", "1-4-0", shall respectively be substituted.

(6) In Form 6, in the heading in column 4 of the table, an asterisk shall be inserted over the words, "paid contributions", and the following shall be added at the end of the Form, namely :—

"the total number of token stamps affixed shall be included in this sub-column under the heading 'number'."

[No. SS. 121 (60)A.].

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 12th May 1952.

NOTIFICATION.

No. SS. 105 (199).—In exercise of the powers conferred by Section 95 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby makes the following amendment in the Employees' State Insurance (Central) Rules, 1950, the same having been previously published as required by sub-section (1) of the said Section, namely :—

In the said Rules for sub-rule (2) of Rule 1, the following sub-rule shall be substituted, namely :—

"(2) They extend to the whole of India except the State of Jammu and Kashmir."

S. NEELAKANTAM,
Deputy Secretary.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 21st May 1952.

NOTIFICATION.

No. SS. 121 (60).—In exercise of the powers conferred by Section 73-A of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Labour No. S.R.O. 279, dated the 6th February 1952, namely :—

In the said notification, after the proviso to paragraph 2 the following further proviso shall be inserted, namely :—

"Provided further that in the case of a wage period commencing before and ending on or after the 24th February, 1952, the amount to be included in the total wage bill shall be such amount as bears to the wages for such wage period the same proportion which the number of days included in the period from the 24th February 1952, to the last day of such wage period (both days inclusive) bears to the total number of days in such wage period."

S. NEELAKANTAM,
Deputy Secretary.

NOTIFICATION.

No. L. S. 2495—L. W. 15-52-9, dated Bangalore, 14th August 1952.

Whereas His Highness the Maharaja of Mysore is of opinion that an Industrial dispute exists between the Management of the Mysore Spinning and Manufacturing Company, Limited, Bangalore, and the workmen employed in the said concern in respect of the points of dispute specified below ;

And whereas His Highness the Maharaja of Mysore considers it desirable to refer the dispute for adjudication ;

Now therefore, in exercise of the powers conferred by Clause (C) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore is hereby pleased to refer the said dispute for adjudication to the Industrial Tribunal constituted in Notification No. L.S. 1515—L.W. 131-52-1, dated the 28th June 1952.

Point of Dispute.

Whether the change effected by the Management from 9th July 1951 in the Reeling Department has adversely affected the workers by subjecting them to greater work loads, heavy strain and much hardship without adequate remuneration ?

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

ELECTION COMMISSION, INDIA. 1112

NOTIFICATION.

New Delhi, August 14, 1952.

No. 18/52-Elec. III.—In exercise of the powers conferred by clause (*a*) of sub section (2) of Section 81 of the Representation of the People Act, 1951, the Election Commission hereby appoints Shri P. R. Krishnamurthy, an Assistant Secretary in the Election Commission, as an officer who may also receive election petitions presented in accordance with the provisions contained in Part VI of the said Act.

P. N. SHINGHAL,
Secretary.

NOTIFICATION.

No. C. 565—Co. 37-52-1, dated Bangalore, the 19th August 1952.

Ordered that the accompanying Notification No. S.C.(A).—4 (137), dated the 16—25th July 1952, issued by the Government of India, Ministry of Commerce and Industry, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Chief Secretary to Government.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 16—25*th July* 1952.

NOTIFICATION.

No. S.C.(A).—4 (137). The following general authorisation issued by the Iron and Steel Controller under Clauses 4 and 5 of the Iron and Steel (Control of Production and Distribution) Order, 1941, is published for general information :—

In exercise of the powers conferred on me under Clauses 4 and 5 of the Iron and Steel (Control of Production and Distribution) Order, 1941, I hereby authorise the acquisition and disposal, within the Union of India, of any quantity of the categories of steel specified in the statement printed below without any quota certificate or authorisation. This relaxation shall not affect the statutory selling prices of these categories.

1. Heavy Rails 50 lbs. per yard and heavier.
2. Joists 5″×3″ and heavier.
3. Channels 5″×2½″ and heavier.
4. Angles 4″×4″ and heavier.

M. K. POWVALA,
Iron and Steel Controller.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

NOTIFICATION.

1113

No. L.D. 939—Legis. 4-52-32, dated Bangalore, 22nd August 1952.

Ordered that the Salaries and Allowances of Ministers Act, 1952 (Central Act No. LVIII of 1952), published in the *Gazette of India*, Extraordinary, Part II, Section 1, dated the 14th August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 12th August 1952.

THE SALARIES AND ALLOWANCES OF MINISTERS ACT, 1952

(LVIII OF 1952)

AN

ACT

to provide for the Salaries and Allowances of Ministers.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Salaries and Allowances of Ministers Act, 1952.

2. **Definition.**—In this Act "Minister" means a member of the Council of Ministers, by whatever name called, and includes a Deputy Minister.

3. **Salaries of Ministers.**—There shall be paid to each Minister, other than a Deputy Minister, a salary of two thousand two hundred and fifty rupees *per mensem*, and to each Deputy Minister a salary of one thousand seven hundred and fifty rupees *per mensem*.

4. **Residence of Ministers.**—Each Minister shall be entitled without payment of rent to the use of a furnished residence throughout his term of office and for a period of fifteen days immediately thereafter, and no charge shall fall on the Minister personally in respect of the maintenance of such residence.

Explanation.—For the purpose of this section, "residence", includes the staff quarters and other buildings appurtenant thereto, and the garden thereof, and "maintenance" in relation to a residence includes the payment of local rates and taxes and the provision of electricity and water.

5. **Sumptuary allowance to Ministers.**—The Central Government may, by rules made in this behalf, provide for the grant of a sumptuary allowance not exceeding five hundred rupees *per mensem* to any Minister other than a Deputy Minister, and such rules may provide for the grant of the allowance to different Ministers at different rates.

6. Travelling and daily allowances to Ministers.—(*1*) Subject to any rules made in this behalf by the Central Government, a Minister shall be entitled to—

(*a*) travelling allowances for himself and the members of his family and for the transport of his and his family's effects—

(*i*) in respect of the journey to Delhi from his usual place of residence outside Delhi for assuming office, and

(*ii*) in respect of the journey from Delhi to his usual place of residence outside Delhi on relinquishing office ; and

(*b*) travelling and daily allowances in respect of tours undertaken by him in the discharge of his official duties, whether by sea, land or air.

(*2*) Any travelling allowance under this section may be paid in cash or free official transport provided in lieu thereof.

7. Medical treatment, etc., to Ministers.—Subject to any rules made in this behalf by the Central Government, a Minister and the members of his family shall be entitled free of charge to accommodation in hospitals maintained by the Government and also to medical treatment.

8. Advances to Ministers for purchase of motor cars.—There may be paid to any Minister by way of a repayable advance such sum of money as may be determined by rules made in this behalf for the purchase of a motor car in order that he may be able to discharge conveniently and efficiently the duties of his office.

9. Ministers not to draw salary or allowances as Members of Parliament.—No person in receipt of a salary or allowance under this Act shall be entitled to receive any sum out of funds provided by Parliament by way of salary or allowance in respect of his membership of either House of Parliament.

10. Notification respecting appointment, etc. of Ministers to be conclusive evidence thereof.—The date on which any person became or ceased to be a Minister shall be published in the Official Gazette, and any such notification shall be conclusive evidence of the fact that he became, or ceased to be, a Minister on that day for all the purposes of this Act.

11. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) All rules made under this Act shall be laid before both Houses of Parliament as soon as may be after they are made.

12. Regularisation of certain payments.—All salaries paid or payable for the period commencing on the 14th day of May 1952, and ending with the commencement of this Act to Ministers described as Ministers of Cabinet rank (but not Members of the Cabinet), all charges incurred before the commencement of this Act in respect of the accommodation provided in any hospital maintained by the Central Government for or on the medical treatment of any Minister or any member of his family and all payments made before such commencement by way of travelling or daily allowances to any Deputy Minister, shall be deemed to have been properly paid, payable or incurred or made.

13. Repeal of Act LIII of 1947.—The Salaries of Ministers Act, 1947, is hereby repealed.

K. Y. BHANDARKAR,
Secretary to the Govt. of India.

NOTIFICATION.

No. L.D. 940—Legis. 4-52-33, dated Bangalore, 22nd August 1952.

Ordered that the Prevention of Corruption (Second Amendment) Act, 1952 (Central Act No. LIX of 1952), published in the *Gazette of India*, Extraordinary, Part II, Section 1, dated the 14th August 1952 be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 12th August 1952.

THE PREVENTION OF CORRUPTION (SECOND (AMENDMENT) ACT, 1952

(LIX OF 1952)

AN

ACT

further to amend the Prevention of Corruption Act, 1947.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Prevention of Corruption (Second Amendment) Act, 1952.

2. Amendment of section 3, Act II of 1947.—In section 3 of the Prevention of Corruption Act, 1947 (hereinafter referred to as the principal Act),—

(*a*) after the word and figures "section 165" the words, figures and letter "or section 165A" shall be inserted ; and

(*b*) the proviso shall be omitted.

3. Amendment of section 4, Act II of 1947.—The proviso to section 4 of the principal Act shall be omitted and the said section shall be re-numbered as sub-section (*1*) thereof and after sub-section (*1*) as so re-numbered, the following sub-section shall be inserted, namely :—

"(*2*) Where in any trial of an offence punishable under section 165A of the Indian Penal Code (Act XLV of 1860), it is proved that any gratification (other than legal remuneration) or any valuable thing has been given or offered to be given or attempted to be given by an accused person, it shall be presumed unless the contrary is proved that he gave or offered to give or attempted to give that gratification or that valuable thing, as the case may be, as a motive or reward such as is mentioned in section 161 of the Indian Penal Code or, as the case may be, without consideration or for a consideration which he knows to be inadequate.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the court may decline to draw the presumption referred to in either of the said sub-sections, if the gratification or thing aforesaid is, in its opinion, so trivial that no inference of corruption may fairly be drawn."

4. Amendment of section 5, Act II of 1947.—For sub-section (4) of section 5 of the principal Act, the following sub-section shall be substituted, namely :—

"(4) The provisions of this section shall be in addition to and not in derogation of, any other law for the time being in force, and nothing contained herein shall exempt any public servant from any proceeding which might, apart from this section, be instituted against him."

5. Insertion of new section 5A in Act II of 1947.—After section 5 of the principal Act, the following section shall be inserted, namely :—

"5A. *Investigation into cases under this Act.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), no police officer below the rank—

(a) in the presidency towns of Madras and Calcutta, of an Assistant Commissioner of Police.

(b) in the presidency town of Bombay, of a Superintendent of Police, and

(c) elsewhere, of a Deputy Superintendent of Police,

shall investigate any offence punishable under section 161, section 165 or section 165A of the Indian Penal Code (Act XLV of 1860) or under sub-section (2) of section 5 of this Act, without the order of a Presidency Magistrate or a Magistrate of the first-class, as the case may be, or make any arrest therefor without a warrant :

Provided that a police officer of the Delhi Special Police Establishment, not below the rank of an Inspector of Police, who is specially authorised by the Inspector-General of Police of that Establishment may, if he has reasons to believe that on account of the delay involved in obtaining the order of a Magistrate of the first-class, any valuable evidence relating to such offence is likely to be destroyed or concealed, investigate the offence without such order ; but in every case where he makes such investigation, the police officer shall, as soon as may be, send a report of the same to a Magistrate of the first-class, together with the circumstances in which the investigation was made."

6. Amendment of section 6, Act II of 1947.—Section 6 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely :—

"(2) Where for any reason whatsoever any doubt arises whether the previous sanction as required under sub-section (1) should be given by the Central or State Government or any other authority, such sanction shall be given by that Government or authority which would have been competent to remove the public servant from his office at the time when the offence was alleged to have been committed."

7. Amendment of section 7, Act II of 1947.—In section 7 of the principal Act, after the word and figures "section 165" the words, figures and letter "or section 165A" shall be inserted.

K. Y. BHANDARKAR,
Secretary to the Govt. of India.

NOTIFICATION. 1117

No. L.D. 941—Legis. 4-52-34, dated Bangalore, 22nd August 1952.

Ordered that the Commissions of Inquiry Act, 1952 (Central Act No. LX of 1952), published in the *Gazette of India*, Extraordinary Part II, Section 1, dated the 16th August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

Received Assent on 14th August 1952.

GOVERNMENT OF INDIA

MINISTRY OF LAW

THE COMMISSIONS OF INQUIRY ACT, 1952

(LX OF 1952)

AN

ACT

to provide for the appointment of Commissions of Inquiry and for vesting such Commissions with certain powers.

BE it enacted by Parliament as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Commissions of Inquiry Act, 1952.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means—

(*i*) the Central Government, in relation to a Commission appointed by it to make an inquiry into any matter relatable to any of the entries enumerated in List I or List II or List III in the Seventh Schedule to the Constitution; and

(*ii*) the State Government, in relation to a Commission appointed by it to make an inquiry into any matter relatable to any of the entries enumerated in List II or List III in the Seventh Schedule to the Constitution;

(*b*) "Commission" means a Commission of Inquiry appointed under section 3;

(*c*) "prescribed" means prescribed by rules made under this Act.

3. Appointment of Commission.—(1) The appropriate Government may, if it is of opinion that it is necessary so to do, and shall, if a resolution in this behalf is passed by the House of the People or as the case may be, the Legislative Assembly

 1118

of the State, by notification in the Official Gazette, appoint a Commission of Inquiry for the purpose of making an inquiry into any definite matter of public importance and performing such functions and within such time as may be specified in the notification, and the Commission so appointed shall make the inquiry and perform the functions accordingly :

Provided that where any such Commission has been appointed to inquire into any matter—

(a) by the Central Government, no State Government shall, except with the approval of the Central Government, appoint another Commission to inquire into the same matter for so long as the Commission appointed by the Central Government is functioning ;

(b) by a State Government, the Central Government shall not appoint another Commission to inquire into the same matter for so long as the Commission appointed by the State Government is functioning, unless the Central Government is of opinion that the scope of the inquiry should be extended to two or more States.

(2) The Commission may consist of one or more members appointed by the appropriate Government, and where the Commission consists of more than one member, one of them may be appointed as the Chairman thereof.

4. Powers of Commission.—The Commission shall have the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely :—

(a) summoning and enforcing the attendance of any person and examining him on oath ;

(b) requiring the discovery and production of any document :

(c) receiving evidence on affidavits ;

(d) requisitioning any public record or copy thereof from any court or office ;

(e) issuing commissions for the examination of witnesses or documents ;

(f) any other matter which may be prescribed.

5. Additional Powers of Commission.—(1) Where the appropriate Government is of opinion that, having regard to the nature of the inquiry to be made and other circumstances of the case, all or any of the provisions of sub-section (2) or sub-section (3) or sub-section (4) or sub-section (5) should be made applicable to a Commission, the appropriate Government may, by notification in the Official Gazette, direct that all or such of the said provisions as may be specified in the notification shall apply to that Commission and on the issue of such a notification, the said provisions shall apply accordingly.

(2) The Commission shall have power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of the inquiry.

(3) The Commission or any officer, not below the rank of a gazetted officer, specially authorised in this behalf by the Commission may enter any building or place where the Commission has reason to believe that any books of account or other documents relating to the subject matter of the inquiry may be found, and may seize any such books of account or documents or take extracts or copies therefrom, subject to the provisions of section 102 and section 103 of the Code of Criminal Procedure, 1898 (Act V of 1898), in so far as they may be applicable.

(4) The Commission shall be deemed to be a civil court and when any offence as is described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code (Act XLV of 1860) is committed in the view or presence of

the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1898 (Act V of 1898), forward the case to a magistrate having jurisdiction to try the same and the magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under section 482 of the Code of Criminal Procedure, 1898.

(5) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Act XLV of 1860).

6. Statements made by persons to the Commission.—No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in any civil or criminal proceeding except a prosecution for giving false evidence by such statement:

Provided that the statement—

(*a*) is made in reply to a question which he is required by the Commission to answer, or

(*b*) is relevant to the subject matter of the inquiry.

7. Commission to cease to exist when so notified.—The appropriate Government may, if it is of opinion that the continued existence of a Commission is unnecessary, by notification in the Official Gazette, declare that the Commission shall cease to exist from such date as may be specified in this behalf in such notification, and thereupon, the Commission shall cease to exist.

8. Procedure to be followed by the Commission.—The Commission shall, subject to any rules that may be made in this behalf, have power to regulate its own procedure (including the fixing of places and times of its sittings and deciding whether to sit in public or in private) and may act notwithstanding the temporary absence of any member or the existence of a vacancy among its members.

9. Protection of action taken in good faith.—No suit or other legal proceeding shall lie against the appropriate Government, the Commission or any member thereof, or any person acting under the direction either of the appropriate Government or of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder or in respect of the publication, by or under the authority of the appropriate Government or the Commission, of any report, paper or proceedings.

10. Members, etc., to be public servants.—Every member of the Commission and every officer appointed or authorised by the Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

11. Act to apply to other inquiring authorities in certain cases.—Where any authority (by whatever name called), other than a Commission appointed under section 3 has been or is set up under any resolution or order of the appropriate Government for the purpose of making an inquiry into any definite matter of public importance and that Government is of opinion that all or any of the provisions of this Act should be made applicable to that authority, that Government may, subject to the prohibition contained in the proviso to sub-section (1) of section 3, by notification in the Official Gazette, direct that the said provisions of this Act shall apply to that authority, and on the issue of such a notification, that authority shall be deemed to be a Commission appointed under section 3 for the purposes of this Act.

12. Power to make rules.—(1) The appropriate Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the term of office and the conditions of service of the members of the Commission ;

(*b*) the manner in which inquiries may be held under this Act and the procedure to be followed by the Commission in respect of the proceedings before it ;

(*c*) the powers of civil court which may be vested in the Commission ;

(*d*) any other matter which has to be, or may be, prescribed.

K. Y. BHANDARKAR,
Secretary to the Government
of India.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore